

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA

PASSED AT THE
SPECIAL SESSIONS OF 1950
ORGANIZATIONAL SESSION 1951
SPECIAL SESSION 1951
REGULAR SESSION 1951
IN TWO VOLUMES

Vol. I



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

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ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

FIRST SPECIAL SESSION OF 1950

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY

COMMENCING MONDAY, JUNE 19, 1950



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

JAMES E. FOLSOM, Governor

J. CLARENCE INZER, Lieutenant-Governor

J. BRUCE HENDERSON, President Pro Tem. of the Senate

W. M. BECK, Speaker of the House

PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the First 1950 special session of the Legislature of Alabama and is the official publication of such acts.

Sibyl Pool,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

MESSAGE OF GOVERNOR JAMES E. FOLSOM—

JUNE 19, 1950

To the Members of the Senate and House of Representatives of Alabama:

You have been called into this special session because I feel a strong sense of my responsibility as the Chief Executive of our great State and am anxious to discharge as fully as possible the official duties I assumed when I took the oath of office as Governor, among which is the duty of enforcing the constitutional, as well as the statute, laws of the State of Alabama, and to give to you members of this outgoing legislature another opportunity to discharge the duties imposed upon you when you took the oath of your respective offices.

I have called you to consider these things:

1. To provide each county with a State Senator.
2. To provide for a Constitutional Convention.
3. To consider local bills.

The framers of the Constitution of the United States were among the wise men of all time and they, foreseeing the probably necessity of changes in our organic law, provided the method for such changes to be effected, and so, also, have all of our state constitutions provided the methods and the means by which they too may be changed, revised, altered and amended.

This question addressed itself to you. This is your responsibility.

Some believe that the Legislature should be apportioned the same as our National Congress. An example of that in Alabama would be this: apportion the Senate equally among the sixty-seven counties, then apportion the House of Representatives according to population. Others believe that both the Senate and the House of Representatives of Alabama should be apportioned on a strict population basis. Whatever we believe I think we all agree on one thing, that with the present census now completed some kind of rearrangement of the Alabama Legislature is a foregone conclusion. With that in view I have called you into this special session so that you may discuss and determine what changes should be made and adopt one of these methods of procedure provided therein for changing the provisions of our present Constitution, either by amending it to meet present conditions or calling a Constitutional Convention for that purpose. Then if the people approve in the November General Election we have ideal means for properly reapportioning the Legislature and providing the other needed reforms in our State Government.

I do believe, however, that the provisions of the Constitution of Alabama should be enforced, as well as the statute laws of the

State, so long as they remain on our statute books as the law of the land, and so long as I am Governor, I shall use every power at my command to see that they are enforced.

The provisions of Article 9 of the Constitution of 1901 have been ignored by every legislature since 1910, and this Legislature has failed to carry out its provisions during either of the Regular Sessions of 1947 and 1949, and wholly ignored the provisions of this Article when you were formerly called into special session for the specific purpose of taking action to put it into effect.

The people of the whole State, from the Tennessee Valley to the Gulf, and from the Chattahoochee River to the Mississippi line are demanding that a more equitable distribution of legislative authority and power be given to the several counties. This is your duty under the Constitution and your responsibility under your oaths.

I, as Governor and Chief Executive Officer of this State, have performed my duty under my oath when I have called you into extraordinary session for the specific purpose of performing this duty under your oaths, and have delivered to you this message recommending that you take some action, either by carrying out the plain mandate of Article 9 of the Constitution of 1901, or by giving the voters of the state an opportunity to amend or revise its provisions. This is the least you can do as members of the Legislature under the oath taken when you assumed the duties of the office.

I recommend that Sections 197 and 200 Article 9 be amended so as to provide that the Senate of Alabama be composed of one member from each county in the State, and that each county of the State be made a Senatorial District. This in conformity with the plan and formation of our National Congress, recognized throughout the world as the most Democratic deliberative legislative body on the face of the earth, and this would forever insure legislative equality and protection for every county in the State, large or small, and also to each citizen.

I also recommend that an Act or Resolution be passed providing for the holding of a Constitutional Convention to alter, revise or amend our fifty year old Constitution, and especially to provide for reapportionment of the legislature as provided by the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all the qualified electors of the State of Alabama for their approval, as provided by Article 18 of the said Constitution. Providing for the holding of a Constitutional Convention is not a mandate of the present Constitution, as are the provisions of Article 9 thereof, but it is a need that most informed and forward looking people recognize, and if this is done the question of reapportionment of representation in the legisla-

ture can be adjusted by the Convention without resorting to further amendments.

I am not unmindful of the fact that during the two Regular Sessions of the Legislature, and especially the one of 1949, that there were many perplexing and controversial issues presented and many matters of great interest to the individual members that occupied your minds and over shadowed a full consideration of this vital question. But, now as our respective terms of office are nearing completion, in the eventide of this administration, yours and mine, with no other important matters of State to engross your minds, I sincerely hope and believe that you will find time to give sober, calm, deliberate and conscientious consideration to the question of a more equitable representation in the legislature of Alabama; a representation based on justice to every County in the State alike.

This is the reason I have called you into extraordinary session at this time. Action on this vital constitutional question now is an emergency upon which the future welfare of all of the people of our beloved State depend. I leave it in your hands, with the hope and belief that you will give it the consideration it deserves and that you will perform your duty under your oaths, finish your task and adjourn in time that your proposals may be submitted to the voters for their decision at the General Election on November 7th next. In view of the fact that there is very little Committee work to be done let me respectfully suggest that you utilize the maximum number of working days each week as possible.

I want to remind you again I have called you into extraordinary session to consider three things:

1. To provide each county with a State Senator.
2. To provide for a Constitutional Convention.
3. To consider local bills.

A casual review of the Senate Roster will reveal that there are only five (5) Senators who are candidates to succeed themselves. This is brought about in the main by a vicious system which allows certain counties to enjoy the seniority privileges by returning their Senator every four years. Most of the counties are denied this advantage of seniority and experience, as well as one county representation. We are now in the process of electing a new legislature. Let us leave this new legislature, that is to be elected November 7th, a shining example of an outstanding Legislature who can do an outstanding job that has been neglected for one-half hundred years.

May God bless each of you in your deliberations and give you the wisdom to see and the heart to perform your duties unselfishly and for the good of all the people of our beloved State.

ALABAMA LAWS

and Joint Resolutions

FIRST SPECIAL SESSION 1950

Act No. 1

S. J. R. 1—Patterson

SENATE JOINT RESOLUTION

WHEREAS the death of Senator Charles J. Owens has removed an outstanding leader and an able public servant of the State of Alabama, and

WHEREAS Charles J. Owens' contributions and efforts toward the advancement of the State of Alabama, as a State Senator, as a member of the Alabama House of Representatives, and as an outstanding business man, while bearing his afflictions with great fortitude, have been incalculable and of lasting importance, and

WHEREAS the State, his host of friends, and family have suffered a great loss in his passing, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The passing of Charles J. Owens is deeply mourned by the Legislature of Alabama, and his memory revered.

2. The sympathy of the people of Alabama, through their legislative representatives, is hereby extended to the many friends and to the surviving relatives of the deceased.

3. The Secretary of the Senate is directed to forward to the family of Charles J. Owens a copy of this resolution.

Approved July 1, 1950.

Time 10:30 A. M.

Act No. 2

H. J. R. 6—Dumas, Merrill

HOUSE JOINT RESOLUTION

Relative to expressing sympathy to Speaker Beck and family in the loss of his sister, Mrs. Willie May Beck Wadsworth.

WHEREAS, the Legislature of Alabama holds Speaker William M. Beck in high esteem; and

WHEREAS, the Speaker has suffered a great personal loss in the death of his sister, Mrs. Willie May Beck Wadsworth on June 15, 1950; therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

Section 1. The Legislature of Alabama expresses its profound grief in the passing of Mrs. Willie May Beck Wadsworth, and

extends its most sincere sympathy to her bereaved family and Speaker William M. Beck.

Section 2. The Clerk of the House of Representatives is directed to send a copy of this resolution to the family of Mrs. Willie May Beck Wadsworth and to Speaker William M. Beck.

Approved July 1, 1950.

Time 10:30 A. M.

ALABAMA LAWS

and Joint Resolutions
OF THE
LEGISLATURE OF ALABAMA

**PASSED AT THE
SECOND SPECIAL SESSION OF 1950
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING WEDNESDAY, JULY 5, 1950**



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

JAMES E. FOLSOM, Governor
J. CLARENCE INZER, Lieutenant-Governor
J. BRUCE HENDERSON, President Pro Tem. of the Senate
W. M. BECK, Speaker of the House
PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the Second 1950 special session of the Legislature of Alabama and is the official publication of such acts.

Sibyl Pool,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

MESSAGE OF GOVERNOR JAMES E. FOLSOM—

JULY 5, 1950

To the Members of the Senate and House of Representatives of Alabama in Joint Session Assembled:

You have again been called into special session because I am still anxious to discharge, as fully as I may, the official duties I assumed when I took the office as Governor of this great state, among which is the duty of enforcing the constitution as well as the statute laws enacted and promulgated for the government of our people, and to give to the members of this outgoing Legislature another opportunity of fulfilling and discharging the duties imposed upon you when you took the oath of your respective offices.

Article IX, Section 199 of the Constitution of Alabama of 1901 provides as follows, and I quote:

"It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state, according to the number of inhabitants in them, respectively: provided, that each county shall be entitled to at least one representative."

Section 200 provides as follows, and I quote:

"It shall be the duty of the legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the legislature may be attached to senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other."

It has been the duty of each Legislature which has convened since the decennial census of 1910, including the present Legislature, to reapportion the membership of the House and the Senate of this State, according to population; this duty has never been discharged. The census of 1950 for Alabama has now been completed, and the shift in population from the rural and agricultural

sections of Alabama to the metropolitan, manufacturing and mining areas have grown more pronounced with each decennial census since 1901, and there is not a fair-minded citizen within the borders of the State of Alabama but what recognizes the inequalities now existing in the membership of the present Senate and House of Representatives in this State.

Perhaps when I called you into extraordinary session on June 19 and specifically set forth a reapportionment of the Senate of Alabama by Constitutional Amendment, creating 67 Senatorial Districts with a representative in the Senate from each District, and/or calling for a Constitutional Convention specifically for the purpose of reapportioning the Senate and House of Representatives, and limited your consideration to those two items, the methods of reapportionment were not as broad as they should have been, because Article IX of the Constitution of 1901 is a mandate to the Legislature to reapportion the membership thereof after each decennial census, and unless and until the Constitution is amended and the provisions of Article IX changed, it is the duty of the Legislature to make such reapportionment, and it is my duty as Chief Executive of the State of Alabama, to enforce the provisions of the Constitution, including Article IX thereof, as well as the statute laws of the State, so long as they remain on our statute books as the law of the land, and so long as I am Governor I shall use every power at my command to see that they are enforced.

I have therefore, in calling you together on this occasion, opened the door for you to reapportion the membership in the Legislature as to you seems wise and proper, and under the various provisions embodied in this call it is your responsibility and your duty to either reapportion the membership in the Legislature as provided by Article IX, or submit an amendment or amendments of the Constitution to the voters of the State, changing the method of apportionment of the representative body of this State, and a failure or refusal on your part to do either the one or the other can only result in a most embarrassing position for the State of Alabama by bringing a shadow of illegality upon every provision of the Legislature enacted into law in the future, except such acts as may be construed as an extension and amplification of the common law, or justified under governmental public policy.

Article XIV of the Constitution of the United States was adopted as an amendment to the Constitution and transmitted to the Department of State on the 21st day of July 1868, and became a part of the Constitution of the United States, and Section 1 of said Article provides as follows, and I quote:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United

States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

I am of the opinion, after consultations with many well known Constitutional lawyers, that the Legislature of Alabama, as now composed, is in conflict with and in violation of Article IX of the Constitution of 1901, and that therefore is an illegal legislative body, and that a failure of the Legislature to apportion its membership on a population basis, as provided by Article IX of the Constitution of 1901, or to propose some amendment to said Constitution so as to provide an equitable apportionment of its membership, is a denial to many persons within this State the equal protection of the laws and therefore, is in violation of Section 1, Article XIV of the Constitution of the United States. After this call it seems that the only action this Legislature and its successors can take is action leading towards reapportionment of the Legislature.

Notwithstanding the differences in opinion among the membership of this Legislature upon the question of reapportionment and not withstanding the fact that this legislature has differed with the views expressed by the Executive Department and has not complied with recommendations made by that department, I still believe that you, the members of this Legislature, are interested in the welfare of the whole people of this State and are desirous of performing your duty under your oaths, and in accordance with the Constitution and laws of this great State.

Having in mind the serious consequences that might result to the people of Alabama if, upon presentation to the Supreme Court of the United States the statute laws enacted by this, or any future Legislature, after you have been called into extraordinary session for the specific purpose of apportioning the membership in the Legislature, as our Constitution directs, I call upon you to take whatever action seems best to you for the apportionment of the membership in the Legislature of Alabama.

I recommend to you the proposal of a Constitutional Amendment to the people of Alabama providing for representation in our Legislative body along the lines established by the framers of our National Constitution, that is dividing the State into 67 Senatorial Districts, making each county in the State a district, and providing for a Senator from each District; and apportioning the membership of the House of Representatives according to population, providing however, that each county shall have at least one member in the House of Representatives. If this method of apportioning the membership in the Legislature does not meet

with your approval, I urge upon you the importance of working out and promulgating some method of apportioning the Legislature of Alabama in accordance with justice, equality and right.

Our Government, both National and State, is founded upon the Democratic principle of three separate and distinct branches, the Executive, Legislative and Judicial, each having separate and distinct responsibilities and duties to perform, and again I say to you that when I have called you together for the specific purpose of performing your duty, as provided by Article IX of the Constitution of 1901, or of proposing an amendment to the Constitution so as to provide a more equitable apportionment of the membership of the Legislature, I have performed my duty as Chief Executive and the responsibility of performing your duty rests upon you. I repeat, however, I do believe the provisions of the Constitution of Alabama, including Article IX thereof, should be enforced as well as the statute laws of the State, so long as they remain on our statute books as the law of the land, and that I shall use every power at my command to see that they are enforced so long as I am Governor of Alabama.

I also recommend that an Act or Resolution, providing for the holding of a Constitutional Convention to alter, revise or amend the Constitution, and especially to provide for reapportionment of the Legislature and submitting the question of convention or no convention to a vote of all the qualified electors of Alabama for their determination, be enacted by the Legislature as provided by Article XVIII of said Constitution.

The Legislature of Alabama is not required by the Constitution to submit the question of a Constitutional Convention to the voters of this State, that is not a mandate of our organic law, as are the provisions of Article IX, making it the duty of the Legislature to apportion its membership after each decennial census, but if this Legislature, after exploring all the methods of apportionment cannot agree upon a fair, just and equitable method of apportionment of the membership of the Legislature of Alabama, or agree upon Constitutional amendments to provide for such equitable apportionment, then I do urge upon you the importance of providing for a Constitutional Convention, whose membership will be made up of delegates elected by all the people of the State of Alabama, whose only duty and only purpose shall be to alter, revise or amend the organic law of this State, so as to do justice to all of its citizens alike.

My purpose in calling you together so soon after your adjournment, without action, is in order that if you see fit either to propose amendments to the Constitution for the purpose of providing a more equitable apportionment of the membership of the Legislature, or of submitting the question of Constitutional Convention or no Constitutional Convention to all of the qualified

electors of the State, that you may do so and adjourn in time that these questions may be voted upon by the people at the General Election on November 7 next.

1. Let me again remind you I have called you into extraordinary session to consider a Constitutional Convention which is much needed in Alabama. In addition to many other things this would provide reapportionment if the Legislature cannot agree on another form of reapportionment. If you fail to agree on that.

2. I recommend, and it is in my call, reapportionment along the lines of the National Congress. This can be done by amendment to the Constitution of Alabama. If you cannot agree on that

3. I recommend, and it is in my call, reapportionment on a strict population basis. In the event you cannot agree on this

4. I recommend, and so have it in my call, reapportionment of the Legislature by any other or further means as to the Legislature may seem wise and expedient.

I insist, and the people of Alabama insist that both Houses of this Legislature vote and express themselves before the people of this great sovereign state on one or more of these questions.

I hope you will give serious consideration to the matters before you for your determination, and perform your duties as expeditiously as possible.

ALABAMA LAWS

and Joint Resolutions

SECOND SPECIAL SESSION, 1950

Act No. 1

S. 26—Fite

AN ACT

To Propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Marion County, or any one or more of them, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined

for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Marion County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Marion County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Marion County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein

authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives herein above set forth."

Section 2. An election upon the proposed amendment is ordered to be held at the next General Election in November 1950. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940). At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: 'Shall the following be adopted as an amendment to the Constitution of Alabama?', after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word 'Yes' and immediately under that word there shall be printed the word 'No'. Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed Senate July 7, 1950.

Passed House July 12, 1950.

Act No. 2

S. 32—Wright

AN ACT

An Act, Relating to Talladega County; proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County; ordering a special election upon the proposed amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitu-

tion when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor, to wit:

"The Legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County."

Section 2. An election upon the proposed amendment is ordered to be held at the general election next succeeding this session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. A copy of the notice shall be posted at each courthouse and post office in every county in which no newspaper is published.

Constitutional Amendment.

Passed Senate July 7, 1950.

Passed House July 13, 1950.

Act No. 3

S. 33—Mize

AN ACT

Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the Inferior Court of Tuscaloosa County, Alabama may employ a stenographic secretary, whose salary shall be fixed by him at an amount not to exceed \$1500.00 per annum, to be paid in equal monthly installments out of the Treasury of Tuscaloosa County. Such appointment shall not be subject to the provisions of any civil service system operative in Tuscaloosa County.

Section 2. This Act shall become effective immediately upon its passage and approval or upon its otherwise becoming a law.

Approved July 13, 1950.

Time 1:33 P. M.

Act No. 4

H. 10—Miller

AN ACT

To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 298 of Title 52 of the Code of Alabama (1940) is amended to read: "Section 298. A child who is six years of age on or before October first shall be entitled to admission to the public elementary schools at the opening of such schools for that school year or as soon as practicable thereafter; a child who is under six years of age on October first shall not be entitled to admission to such schools during that school year, except that a child who becomes six years of age on or before February first may, on approval of the board of education in authority, be admitted at the beginning of the second semester of that school year to schools in school systems having semiannual promotions of pupils."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 18, 1950.

Time 9:25 A. M.

Act No. 5

H. J. R. 19—Miller

HOUSE JOINT RESOLUTION

Be it resolved by the House, the Senate concurring, that H. B. 10 which has passed both Houses be known as the Miller-Gulledge Bill.

Approved July 18, 1950.

Time 9:28 A. M.

Act No. 6

S. J. R. 10—Patterson

SENATE JOINT RESOLUTION

WHEREAS, the Legislature of Alabama believes that communism and the forces of totalitarianism are the greatest menaces to democracy and peace, and

WHEREAS, the Legislature feels that the surest way to preserve freedom is to take a strong stand against aggression and threats to freedom wherever they occur and to support the United Nations, and

WHEREAS, the Legislature believes that President Truman acted wisely and in the interests of all freedom loving people of

the world in ordering the military forces of the United States to assist the South Koreans in resisting the aggression and unwarranted attack by the communists of North Korea, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The Legislature of Alabama hereby commends President Truman for his action in supporting the South Korean Republic against the unprovoked aggression of the North Korean communists.

2. The Secretary of the Senate is directed to transmit a copy of this Resolution to President Truman.

Approved July 18, 1950.

Time 9:29 A. M.

Act No. 7

H. J. R. 11—Adams, Beatty, Dumas, Gibson, Kaul, Meeks, Sadler, (All of Jefferson) Shelton, Callahan, (Tuscaloosa).

HOUSE JOINT RESOLUTION

Mourning the passing of Dr. Roy R. Kracke, expressing appreciation for services rendered medical field and expressing sympathy for passing of Dr. Kracke to members of his family.

WHEREAS, the State of Alabama has lost an able servant in the passing of Dr. Roy R. Kracke, and

WHEREAS, his services as Dean of the Medical College of Alabama have greatly contributed to the organization, establishment and growth of the Medical College, and

WHEREAS, he has worked tirelessly in advancing research and training in the medical field in order to help alleviate suffering in Alabama and bring to our state the advantages of modern medical practice,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The passing of Dr. Roy R. Kracke is deeply mourned by this body and his memory is revered.

2. The people of Alabama, through their legislative representatives, hereby express their deep appreciation for the services of Dr. Roy R. Kracke.

3. The sympathy of the people of Alabama, through their legislative representatives, is hereby extended to the family of the deceased.

4. The Clerk of the House of Representatives is directed to

forward to the family of Dr. Roy R. Kracke a copy of this resolution.

Approved July 18, 1950.

Time 9:30 A. M.

Act No. 8

S. J. R. 15—Quarles

SENATE JOINT RESOLUTION

WHEREAS, the Legislature of Alabama believes that the present international situation makes the presence of communists and communistic activities in the United States an extremely grave danger to the peace, security and safety of our citizens, and

WHEREAS, the Legislature of Alabama is of the opinion that all communists in the United States who are deportable should be deported, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING:

1. The Legislature of Alabama respectfully requests and memorializes the Congress of the United States to enact legislation ordering the deportation of all communists in the United States who are deportable.

2. The Secretary of the Senate is directed to transmit a copy of this Resolution to the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Alabama congressional delegation.

Approved July 18, 1950.

Time 9:32 A. M.

Act No. 9

H. J. R. 13—Adams (Jefferson)

HOUSE JOINT RESOLUTION

WHEREAS, the present international situation makes the threat of communism and the activities of communists in the United States even more grave at the present time than it has been heretofore, and

WHEREAS, the most complete and comprehensive measures should be taken for the apprehension and identification of communists in the United States, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING:

1. The President of the United States is most respectfully requested and memorialized to order the Federal Bureau of In-

vestigation to apprehend, fingerprint and otherwise identify, and keep under strict surveillance communists in the United States.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to the President of the United States.

Approved July 18, 1950.

Time 9:31 A. M.

Act. No. 10

S. 3—Patton

AN ACT

Relating to Limestone County: To impose additional duties upon the incumbent Superintendent of Education of Limestone County, Alabama, and provide compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The incumbent Superintendent of Education of Limestone County, Alabama, in addition to the duties imposed under the general laws of Alabama shall begin immediately to administer the Veterans Training Program of Limestone County, begin immediately to administer and direct the School Lunch Program of such County, and also begin immediately to act as Secretary and Adviser to the Limestone County Board of Education during all its regular and special meetings. For the performance of the extra, new and additional duties imposed on him, and for his regular duties, the annual salary of the incumbent Superintendent of Education of Limestone County, to be paid in equal monthly installments, shall be as follows: When the tax assessor's records show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand dollars (\$4,000); when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000) the salary of the superintend-

ent for the year beginning on the first day of the next January shall be four thousand two hundred dollars (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,000) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); and when these records show the gross assessed valuation is thirteen million dollars or more the annual salary of the superintendent for the succeeding calendar years shall be six thousand dollars (\$6,000). In the event any principal of a school under the supervision and control of said superintendent of education receives a sum equal to or greater than the salary hereinabove provided, then and in that event, the Board of Education of Limestone County may immediately increase the salary of said superintendent of education to a sum greater than said principal's salary. In addition to his salary, the superintendent shall receive an allowance for expenses of one thousand two hundred dollars (\$1,200) per annum.

Section 2. There shall be paid to said Superintendent of Education of Limestone County, on September 1, 1950, the additional sum of two hundred thirty three dollars thirty three cents (\$233.33) as an emergency allowance for expenses to instigate, plan and set in operation the additional duties referred to in Section 1 above.

Section 3. This Act shall take effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1950.

Time 8:45 A. M.

Act No. 11

H. J. R. 6—Meeks, Adams (Jefferson), Pinson

HOUSE JOINT RESOLUTION

To repeal Senate Joint Resolution No. 19 of the General Acts of Alabama 1943.

Be It Resolved by the House of Representatives, the Senate Concurring:

That Senate Joint Resolution No. 19 as appears on Page 117 of the General Acts of Alabama 1943, approved June 8, 1943 be and same is hereby repealed.

Be It Further Resolved that the Secretary of State, Washington, D. C. be requested to withdraw the name of Alabama from the list of States petitioning for World Government.

Be It Further Resolved that a certified copy of this Resolution be forwarded to the Secretary of State advising him of the action taken by the Alabama Legislature, and also copies be mailed to our Representatives and Senators in the Congress of the United States.

Approved July 21, 1950
Time 2:25 P. M.

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
THIRD SPECIAL SESSION OF 1950

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING THURSDAY, JULY 27, 1950



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JAMES E. FOLSOM, Governor
J. CLARENCE INZER, Lieutenant-Governor
J. BRUCE HENDERSON, President Pro Tem. of the Senate
W. M. BECK, Speaker of the House
PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the Third 1950 special session of the Legislature of Alabama and is the official publication of such acts.

Sibyl Pool,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

MESSAGE OF GOVERNOR JAMES E. FOLSOM TO LEGISLATURE SPECIAL SESSION, JULY 27, 1950

Governor Inzer, Speaker Beck, Members of the Senate and House of Representatives of this great sovereign State of Alabama:

You are the representatives of all of the people of Alabama, in the various Counties and Districts, the population and political units of this great State of ours.

The proper representation of the people of this State, or of any republican form of government, is the most important thing that concerns the welfare of the people of that particular State or that Nation.

That is the basis upon which I have called you into session here today for the fourth time since I have been Governor of this great State of ours.

On March 3, 1947, just a few days after I was inaugurated Governor of this State, I called this Legislature into special session for the purpose of working out some kind of arrangement leading toward reapportionment of the representation of the people of Alabama in these two Houses. I provided the way in that call by means of a Constitutional Convention.

That has been exactly 3 years, 4 months, 24 days, 1 hour and no minutes, until this date, and three other calls have been made since that time. The Legislature of this State has done absolutely nothing about this important matter. Here is a copy of the first proclamation issued by me. It was issued on March 3, 1947. The meeting was called for 11:00 o'clock of that day; nothing has been done.

Now, what are the proposals? The proposal this first time was the Constitutional Convention. The proposal in the next proclamation, issued June 19, 1950, provided for a Senator for each County. The next proposal, issued for July 5, 1950, provided for a Constitutional Convention, as did the last proclamation (issued on June 19th) and provided further that representation in the legislature be reapportioned by any means that seemed fit and proper in the wisdom of this Legislature. No action was taken in the Senate.

Again, today, three years, four months and twenty-four days since the first Special Call, you have been called into session to properly provide for the representation of the people of Alabama in the North hall of this great Legislature, and the South Hall, which is this hall. That is why you are here today.

Now, let's see what representation, proper representation, means, Gentlemen:

First: It means that if the people in your county are not properly represented in these legislative halls they will not be represented at any time in their rightful share of the appropriations.

Second: They are not properly represented in the courts that you as the legislature create when they are standing before the bar of justice.

Third: The people themselves are not properly represented in any law that you enact as a body.

Fourth: They are not properly represented in the various sovereign functions of this State, as a State in this great nation of States.

Now, let's see what this means. In this first call that, I, as Governor of Alabama, issued the way was provided for you to let the people of this State vote whether or not they wanted a Constitutional Convention which would provide for reapportionment and provide the other needed reforms of this State. That caused the rumbling and the grumbling, as I knew it would do, from one end of this State to the other. That is what started all the rumbling and grumbling of the Folsom Administration and it has been continuously kept up from that day forward to this date. Now, three years, four months, twenty-four days later that rumbling and grumbling and that thunder you have heard in the North Hall and in the South Hall and that you have heard in the daily press was nothing else than the fact that the way was shown by me three years, four months and twenty-four days ago. I provided the way for the people of this state to have their rightful representation in the Legislature of this State. That started the fight.

That reminds me of a joke: Back in 1918, when the men on our farm had been drafted for the service, my Father, who was an officer in the courthouse, sent us to work the peanuts in his river field in Coffee County. It was our second peanut crop and was the year so much money was made down there in peanuts that we outlawed cotton as a dependence. In that river field, hoeing and plowing, when the older boys were not available, and I would rather plow than to hoe with the old scovill hoes we had, I would stand in the mornings and watch the scattered thunderheads, hoping against hope they would develop into a great cloud and a storm. Perhaps I would get to go home—just like every boy that has ever worked in the field has hoped. I remember one day a cloud came up that was bad. It looked like I would get to spend two or three days at the house playing around with the boys around the farm, riding the horses and yearlings. That thunderhead developed into a bad cloud and it thundered and lightened, but it never did rain. An uncle was to my right, hoeing with me, he said, "Jim, don't watch it when it comes from that

direction and looks like that, it ain't going to rain." That is the way it has been the last three years. It has thundered in the North hall, thundered in the South hall, thundered on the stumps in this State, thundered in the newspapers, but it has not rained. We still have the problem before us.

Now, what is the problem? The Constitution of 1901 provided, and it is right and just and will stand up in any storm, political or otherwise—it will be a shining bright light and will burn and will not blow out in the wettest storm that can be created—it is a light that will shine because it is right—it provided us our rightful representation for every person in this State, for every county and political unit. That is why it will stand. It is right. Reapportionment is coming. Thunder is not going to stop it. Jim Folsom can't stop it. No individual can stop it. It is in the minds and hearts of the people and it is talked and has created a rumble and a storm that is going to continue in the minds and hearts of the people of this State until something is done about it. There is no use of this Legislature burying its head in the sand like an ostrich. There is no use for this legislature to do like the man that had a great problem to solve in the next two or three weeks, like paying a note at the bank. He knew it was coming, so for seven nights he got drunk, but the next morning the very same problem was there staring him in the face. Finally he said to himself, "I am going out and solve this problem one way or the other" and he went out and worked and scuffled around for seven days and solved that problem to the satisfaction of his bank and to the happiness of his family.

This problem is before you and it is going to stay before this Legislature. You can solve that problem or you can come back here every morning and have that same problem facing you. You can bury your head in the sand like an Ostrich, but when you come back next morning at 9:00, 10:00 or 11:00 o'clock the problem is still there. This problem is in the hearts and minds of the people of this State. It is going to stay there and something is going to be done about it. It is imprinted on the minds of the people and it is right and it will stand. Talking about unseating a member of the Senate is not going to cover it up; any diversionary tactics that you want to introduce are not going to cover it up; it is still going to be there staring you in the face.

That reminds me of a story that I heard about a ship at sea, or maybe it was a boat on a lake. This ship had cargo on it. Way out at sea in a rough storm the cargo shifted—the ship had passengers on it, and the captain commanded the crew to shift the cargo back so the ship could steer a straight course. The crew went down below and they got to fussing among themselves. One faction didn't want to work at all; another faction thought the cargo ought to be shifted to this side, and another group thought it ought to be shifted to the other side. The storm grew worse

and the crew kept fussing among themselves and the passengers began to get dissatisfied and threatened to take over and do the job themselves. Finally the crew got together, straightened out the cargo in the ship, put the ship on an even keel so that it would steer better and brought it into port.

A storm is going on in Alabama, the cargo in this great Ship of State has shifted since 1901; the passengers are demanding that something be done about it so that the ship will sail on an even keel, weather any storm it is faced with and bring the passengers straight into port out of the storm.

Let me briefly review:

(1) 'It has been three years, Gentlemen, four months, twenty-four days and one hour since I first called you into special session to do something about the people's rightful representation in this Body. There has been no action taken in the Senate of this great State. You cannot justify that before the people of this State at any time, now or in the future, and since that time I have issued two other calls before today. I enumerated them to you, and the Senate again went home on those two calls without taking action. Again, and I am right just as sure as the sun rises in the East and sets in the West, you cannot justify adjourning this Legislature and going home without the Senate taking action and this House taking action jointly with that Senate.

Again, for the fourth time, Gentlemen, I, as Governor of this State, have provided the way for this Legislature to take some kind of action. Here is the way I recommend that you do it: By Constitutional Convention. I have provided the way. And let me again remind you that I recommend that it be done by Constitutional Convention, and you can do it that way by a simple majority. If you do not see fit to do it that way I have provided the way for you to do it under Article IX of the Constitution. If you do not see fit to do it that way, I have provided for you to do it by any means which in your wisdom seems fit and proper. If you adjourn without taking action, Gentlemen, you cannot justify it before the people of this State or any other State or any free people anywhere in the world, either in South Korea, Northern France, South America, Alabama, Georgia, Florida or the Carolinas. It is right. It will stand to the North. It will stand to the South. It will stand in the East and will stand in the West. It is right, so Help Me. God.

Again I have prepared the way. I am certain, Gentlemen, that you in your wisdom realize that the way has been provided for you under your responsibility to carry out the wishes, the prayers and desires of the people of this State, and they all know it is right, regardless of what section or what remote County or what great metropolis they live in.

I thank you from the bottom of my heart, Governor Inzer, Mr. Speaker, and Members of the Legislature of Alabama.

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

**PASSED AT THE
FOURTH SPECIAL SESSION OF 1950**

**HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING MONDAY, JULY 31, 1950**



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

JAMES E. FOLSOM, Governor
J. CLARENCE INZER, Lieutenant-Governor
J. BRUCE HENDERSON, President Pro Tem. of the Senate
W. M. BECK, Speaker of the House
PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the Fourth 1950 special session of the Legislature of Alabama and is the official publication of such acts.

Sibyl Pool,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

MESSAGE OF GOVERNOR JAMES E. FOLSOM TO LEGISLA-
TURE SPECIAL SESSION JULY 31, 1950

Gentlemen:

The purpose for which you have been called into this Special Session is right by every Constitutional rule and statute. The provisions of the Constitution of Alabama, as well as the statutes, should be enforced. It is your duty under the Constitution and your responsibility, under your oaths that you took when you assumed the duties of the office, to provide a more equitable reapportionment of the Legislature. The people are demanding that something be done to solve this important problem.

My position in this matter has been made clear in several past joint sessions. I feel certain that you as the Legislative Body of the State will take action to insure legislative equality and protection for all of the people of Alabama.

Respectfully,

JAMES E. FOLSOM,
Governor.

ALABAMA LAWS

and Joint Resolutions

FOURTH SPECIAL SESSION, 1950

Act No. 1

H. 15—Garrett

AN ACT

Proposing an amendment to the Constitution of Alabama: To authorize the several school districts of Monroe County to levy and collect a special school tax of thirty cents on each one hundred dollars worth of taxable property; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

"In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Monroe County, Alabama shall have the power to levy and collect a special district tax of thirty cents on each one hundred dollars worth of taxable property in such districts for school purposes; provided, that the levying of such tax and the time during which it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in Article XIX of the Constitution of Alabama; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct."

Section 2. An election upon the proposed amendment is ordered to be held at the general election next succeeding this session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the State in which a newspaper is

published, and in every county in which no newspaper is published a copy of such notice shall be posted at the courthouse for four successive weeks next preceding the day appointed for the election.

Constitutional Amendment.
Passed House Aug. 2, 1950.
Passed Senate Aug. 4, 1950.

Act No. 2

H. 2—Beck, Martin

AN ACT

To amend sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended, are amended to read:

Section 1. R. H. Ervin, S. F. Hales, H. S. Shelton and J. A. Whitaker, and their successors in office, are hereby incorporated by the name of the Most Worshipful Grand Lodge of Free and Accepted Masons of the State of Alabama, and by that name shall have capacity to sue and be sued, plead and be impleaded, in any and all of the courts of this State, to contract and be contracted with, to have a common seal, and to alter the same at pleasure, and the said Grand Lodge, through its four principal officers, shall have perpetual succession, and may grant dispensations and charters to subordinate Lodges, to be subject to and under its masonic jurisdiction, and make, ordain and establish its constitution, by-laws, rules and regulations, not inconsistent with the constitution or laws of this State or of the United States, and may acquire, purchase, hold and enjoy so much real estate as may be necessary for the erection of proper buildings and offices for carrying on and conducting its business, may rent out any store, rooms or offices in the lower stories of the buildings which may have been erected on such real estate, or which the said Grand Lodge may erect thereon, and collect the rent, and for the purpose of purchasing such real estate and buildings, the said Grand Lodge shall have power to borrow money, issue its bond therefor and execute a mortgage on any property it may own to secure the same, and may hold or loan out any money derived from the renting of its store rooms and offices or otherwise as the said Grand Lodge may desire, subject to the regulations hereinafter prescribed.

"Section 2. That said Grand Lodge shall have power to collect its revenue, and to apply the same according to the ancient customs of the Order, or may loan out the same for the purpose of aiding in benevolent enterprises, or for the purpose of accumulation; provided the funds in money or choses in action shall not be loaned upon usurious interest, nor shall the funds or accretions thereof be used otherwise than for the payment of the expenses of said Grand Lodge and for charitable purposes and being thus set apart, the same shall not be liable to taxation.

"Section 5. The said Grand Lodge and each subordinate Lodge under its jurisdiction, shall have, respectively, power to receive by gift, grant, contract, devise or donation by will, or otherwise, any personal or real estate and shall have power to sell, alien or dispose of the same, and no such gift, grant, contract or devise, or donation by will, subscription, or otherwise shall fail by reason of any misconception in the name of such corporation, and all contracts or agreements which may have been lawfully entered into by said subordinate Lodges under their organization heretofore shall be binding upon them in their several corporate capacities under this Act, and the same may be enforced by them respectively, and the property and effects owned by them, when dedicated to charitable purposes; shall be exempt from taxation."

"Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 10, 1950.

Time: 11:27 A. M.

Act No. 3

H. J. R. 11—Meeks

HOUSE JOINT RESOLUTION

Whereas, the Birmingham Housewives Patriotic League, an organization devoted to the fight against hoarding, now requires its members to take a pledge not to engage in the hoarding of foods, clothing, domestic necessities and tires; and

Whereas, in so doing the League is pointing the way which all housewives and other consumers in Alabama and in the other States should follow in order to restrain the present tendency towards higher prices; and

Whereas, the members of the Legislature wish to express their sincere appreciation of the efforts being made by the Birmingham Housewives Patriotic League to curb this unnecessary and disastrous stockpiling of commodities; now therefore

Be It Resolved by the House of Representatives, the Senate concurring that the genuine gratitude and most appreciative thanks of the Legislature of Alabama are hereby extended to the Birmingham Housewives Patriotic League for its service to the citizens of Birmingham and the State of Alabama.

Be It Further Resolved that this Resolution be spread upon the Journal of the House and the Journal of the Senate and that a copy be sent to Mrs. Mabel Jones West of 1400 Fulton Avenue, W. E., Birmingham, Alabama, Chairman of the Birmingham Housewives Patriotic League.

Approved August 11, 1950.

Time: 2:45 P. M.

Act No. 4

H. 5—Miller

AN ACT

To amend Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607), which relates to absentee voting in primary, general, special and municipal elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607) entitled "An Act to provide for absentee voting in primary, general, special, and municipal elections: prescribing penalties for violations of the Act and repealing conflicting laws," is amended to read as follows:

"Section 9. Any prospective absentee voter who meets the requirements prescribed in Section 2, above, may, not more than twenty days and not less than five days prior to the election at which he desires to vote, present himself before the register of the county wherein the election is to be held or before the person designated to serve instead of the register. If the name of the voter is on the official list of qualified voters of the county, or if the voter makes an affidavit for a challenged vote or presents a certificate from the judge of probate, and the register is satisfied that the voter is the person he claims to be, and a member of the party in which he claims to be a member, the register shall tender the voter the duplicate absentee ballot required for this Act, including necessary carbon paper, and the required envelope, first filling in the blanks in the upper left corners thereof. The official list of qualified voters herein referred to shall be furnished the register by the probate judge or other person preparing said list at least twenty-one days before the election.

"Any prospective absentee voter meeting the requirements of Section 2 who is a member of the Armed Forces of the United States of America, or the wife of any such person, if she meets the requirements of said section, or a disabled veteran confined

to a hospital or facility operated by the Veterans' Administration may, not more than forty nor less than five days prior to the election at which he or she desires to vote, make application by United States mail in writing, to the register or person designated to serve instead of the register, for an absentee ballot as herein provided to be made by a prospective voter in person. If the applicant is a member of the armed forces his application shall have attached thereto a certificate signed by his commanding officer certifying that the applicant is then serving in the Armed Forces of the United States. If the applicant is the wife of a member of the armed forces the application shall have attached thereto a certificate signed by her husband's commanding officer, certifying that such applicant is then the wife and is residing with such member of the armed forces. If the applicant is a veteran, confined to a hospital the application shall have attached thereto a certificate signed by the authority in charge of such hospital, certifying that the applicant is a veteran then confined to such hospital. The affidavit herein provided to be attached to the absentee ballot shall be executed by the prospective voter in person before such commanding officer or authority in charge who shall certify to such fact. Such ballot shall be returned by United States mail to the register or to the person acting in his stead and shall be by him marked the day and hour of the receipt thereof. When received by the register or person acting in his stead, the ballot shall be handled and counted in the same manner as ballots voted before the register in person."

Approved August 11, 1950.

Time: 2:47 P. M.

Act No. 5

S. 9—Kendall

AN ACT

To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Sec. 1. In all cases where there has been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of Article 1 of Chapter 2 of Title 37 of the Code of Alabama of 1940, and the judge of probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said Code, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated

ab initio, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article; provided, that this Act shall not apply to the incorporation of any municipality held invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act, or to the incorporation of any municipality the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Approved August 11, 1950.

Time: 2:48 P. M.

Act No. 6

H. 18—Shelton

AN ACT

To prohibit boards of registrars from registering persons as qualified electors within ten days prior to any primary, special or general election; and providing that meetings of the boards of registrars authorized to be held on days falling within such period may be held on another day not within such period.

Be It Enacted by the Legislature of Alabama:

Section 1. The boards of registrars in the several counties of the state shall not register any person as a qualified elector within ten days prior to any primary, special or general election. Whenever the day for any authorized meeting of the board of registrars falls within such ten day period, the board may fix another day not within such period on which to hold such meeting.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1950.

Time: 2:50 P. M.

Act No. 7

H. 19—Black

AN ACT

To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. APPLICATION. This act shall apply to and have application in the City of Jasper only and to the police department, the fire department, and City Clerk's office of such city.

Section 2. DEFINITIONS. As used in this act, unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Jasper; "employees" means any person (including the head of department) who is employed in the service of the city on a regular monthly salary in the city clerk's office, the fire department or the police department; "board" means the civil service board created by this act; "head of department" includes chief of the police department, chief of the fire department, and city clerk; "veteran" means any person who was honorably discharged after serving for six months or more in the armed services of the United States during World War I or World War II. Words used in the masculine gender include the feminine and neuter; the singular includes the plural, the plural the singular.

Section 3. CIVIL SERVICE SYSTEM. All employees of the city as herein defined shall be subject to the civil service rules and regulations prescribed in or promulgated pursuant to this act. Present employees and those who may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board and the board may by rule prescribe a retirement age for all employees; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and no present employee shall be subject to any examination in order to hold his present position.

Section 4. CIVIL SERVICE BOARD. There is created the Civil Service Board of Jasper, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3, each of who shall be over twenty five years of age, of recognized character and ability, and actual resident in and a qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. Immediately after the passage of this act, Members No. 1, 2, and 3, shall be appointed by the city governing body. Member No. 1 shall be appointed to serve for a period of one year, Member No. 2 shall be appointed to serve for a period of two years, and member No. 3 shall be appointed to serve for a period of three years. Each year thereafter the City governing body shall appoint one person as the successor to the member of the civil service board whose term expires that year, to serve for a period of three years. Va-

cancies occurring from death or resignation shall be filled by the city governing body for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet at least once a month in City Hall building on a date and at an hour to be fixed by its rules and regulations, and as often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. All appointments to the board shall be by unanimous vote of the governing body of the city.

Any member of the board may be removed from office at any time by a unanimous vote of such governing body.

Section 5. QUALIFICATION BY MEMBER. Every person appointed a member of the civil service board shall, within fifteen days after his appointment, qualify by making oath that he is eligible for said office and will faithfully perform the duties of the same. Such oath shall be administered by any person authorized to administer oath or by any member of the city governing body, and a copy thereof shall be filed with the city clerk.

Section 6. COMPENSATION. The compensation of each board member shall be one hundred dollars per annum, payable quarterly by the city, and the member chosen to serve as secretary of the board shall be paid an additional sum of fifty dollars per annum, payable quarterly, for his services as secretary.

Section 7. RECORDS OF THE BOARD. The board shall keep minutes of the meetings and record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy shall be open for inspection by any resident of the city at all reasonable times. The secretary shall act as custodian of the records of the board. The police department shall furnish such clerical assistance as may be needed by the board.

Section 8. POWERS AND DUTIES OF THE BOARD. The board shall make rules and regulations to carry out the purpose of this act and to provide for examinations, appointments and removals, the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotions persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to the eligibility for promotion. The board shall: (1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees and incumbents of each class; (3) subject to approval of the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations governing dismissals,

suspensions, layoffs, terminations, vacations and leaves of absence, and such rules and regulations shall govern in such matter. Except in connection with a reduction in force, demotion, suspension, or general decrease in salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. All employees shall be appointed upon a non-partisan merit basis. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of the appointment.

Section 9. APPOINTMENTS. The board shall make and keep a register or list of all persons eligible and available for appointment to each class of position and all appointments shall be made from such eligible list. Persons laid off and who are eligible and available for re-employment shall be placed at the head of the proper eligible list in the inverse order of their layoffs. Employees who resign may be granted re-employment status under such circumstances and in such manner as may be provided for in the board's rules and regulations. Persons desiring appointment may file application with the board, and the board shall, from time to time, conduct examinations to test the ability and qualifications of such applicants. Except as otherwise provided herein all applicants shall be examined and examinations shall be open to all citizens of the United States, public, competitive and subject to the limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to fully determine the duties of the position sought.

Examination shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible list which is more than two years old. All applicants shall be graded. A veteran and the widow of a veteran shall have five (5) points added to his or her grade. Any veteran who is drawing compensation from the United States because of a service-connected disability shall have ten (10) points added to his grade and his wife, if he disqualified by reason of such disability, shall have ten (10) points added to her grade. The board shall not examine or appoint any person who is not a citizen of the United States or who has been convicted of a felony or an offense involving moral turpitude.

Section 10. APPLICATIONS FOR EMPLOYMENT. All applicants for employment shall file their applications in writing with the board, said applications to be on blank forms furnished by the board. The board shall conduct all examinations, and whenever an examination is to take place shall notify the applicants in writing. Each applicant for examination shall pay to

the city clerk the sum of two dollars as an examination fee, and the receipt therefor shall be attached to his application. Said sum shall be placed in the general fund of the city.

Section 11. VACANCIES. The city governing body shall notify the board of any vacancy which occurs in the city clerk's office, the fire department or the police department, and the board shall furnish to it the names and addresses of the three applicants standing highest on the eligible list; and one of the said applicants shall be appointed by the governing body of the city to fill such vacancy. All appointments shall be on a trial basis for a period of six months from the date of appointment. Before the expiration of said period, the head of the department concerned may, by and with the consent of the board, discharge the appointee upon assigning in writing his reasons therefor to the board. The head of a department may be discharged before the expiration of said period by the city governing body with the approval of the board.

Section 12. DEMOTIONS OR SUSPENSIONS. A department head shall have authority in his department to demote any subordinate employee by and with the approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion and the employee shall be given a public hearing by the board before any order of demotion shall be final. A department pending the hearing by the board. Any head of department may be similarly suspended or demoted by the city governing body and shall have the same right of hearing.

Section 13. REMOVAL AND DISCHARGES. No permanent employee shall be removed or discharged except for cause, upon charges filed with and decided by the board and after an opportunity has been given him to face his accusers, to be heard in his own defense, and to be represented by counsel. Written charges may be filed against any such employee by the governing body of the city or by any member thereof, or may be filed by any department head as to any subordinate employee in his department by filing a written statement of such charges with the board. Charges against any department head or any employee may be filed by any resident citizen of the city. All charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before a member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board, but, if the board is of the opinion that a trial should be held thereon, the board shall hold a public hearing on the charges and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings

before the board shall be open to the public provided that when a written waiver of a public hearing signed by the complainant and the accused employee, is filed with the board, the public may, in the discretion of the board be excluded. All testimony given in all hearings before the board shall be taken down in short hand by a stenographer furnished by the police department. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof, or by any department head, when requested or directed to do so by such city governing body. It shall be the duty of the city attorney to prosecute any charges brought by private citizens. In all proceedings before the board, the city attorney may appear and represent the interest of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it. If any employee against whom charges are pending willfully fails to or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present. The board, its specially authorized representatives, and each member of the board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation or proceeding within the purview of the act. In case a person refuses to obey any subpoena the board or its representatives may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, which court shall issue a subpoena or order requiring the person to appear before the board or its representatives and produce evidence and give testimony relating to the matter in issue. A person who fails to obey such subpoena may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the city treasury.

Section 14. REVIEW OF DECISION AND APPEALS. Any party, including the city governing body, aggrieved by a final decision of the board is entitled to a review of such decision by the circuit court of Walker County, Alabama, by filing a petition to be accompanied by such security for the costs of the appeal as may be approved by the clerk of the court. Upon filing of any such petition and approval of such security, notice thereof shall be served upon the chairman of the board by the petitioner. Such petition shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition permit the taking of

additional evidence before the board and allow modification of the board's findings and final decision. The court, upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board or to remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of board was: (1) unsupported by substantial evidence in the record submitted; (2) in excess of the authority conferred by this act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious; (5) affected otherwise by substantial error or injustice. Within 30 days an appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama. The decision or order of the board shall not be superseded by any review or appeal and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review or appeal.

Section 15. POLITICAL ACTIVITIES PROHIBITED. No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No member of the board shall directly or indirectly solicit any employee for a subscription or contribution for any political organization. No employee shall be a member of any national, state, or local committee of a political party, or an official of a partisan political club, or a candidate for nomination or election to any public office, nor shall take any part in the management or affairs of any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee who violates any of the foregoing provisions of this Section shall suffer such disciplinary punishment as the board may direct.

Section 16. PENALTIES. The violation by any employee of any provision in this act or of any of the rules or regulation issued by the board in pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided and if such charges are sustained by the board after a notice and hearing as hereinabove provided such employee may be discharged or lesser disciplinary action taken against him. The board may in its discretion also decline for a period of one year to re-appoint an employee who has been discharged for such cause. The board may on its own motion institute charges against an employee for the violation of any of the provisions of this act or of any of the rules or regulations issued in pursuance hereof.

Section 17. SPECIAL POLICE OFFICERS AND TEMPORARY APPOINTMENTS.

The city governing body may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the city governing body the existing conditions demand. All officers so appointed shall be furnished with badges of different sizes and design from the regulation badges used by the regular members of the police force. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges. From and after the effective date of this act, all outstanding commissions conferring police authority upon persons other than those who are regular members of the police department of such city shall be void. The city governing body may, in an emergency or in cases where it deems proper, authorize the head of any department named in this act, to appoint for temporary service such number of salaried employees (including part-time employees) as in the opinion of the board the existing conditions require. No such temporary appointment shall be made for a period of more than 30 days.

Section 18. CHAIRMAN OF THE BOARD. The board shall annually elect one of its members as chairman and one as secretary. All meetings of the board shall be held in the City Hall building unless otherwise provided by such board.

Section 19. PRINTING REGULATIONS. The board shall, within 90 days after appointment and qualification of the members thereof, adopt and have printed such rules and regulations, in accordance with the provisions of this act, as it may deem proper. Said rules and regulations and all amendments thereafter adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment thereto shall become effective until notice of its adoption has been given for 30 days by posting a copy of the same in the vestibule of the city hall building.

Section 20. CONSTITUTIONALITY. Each section of this act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this act which is not itself void or unconstitutional.

Section 21. If this act or its enforcement by the board shall be called into question in any judicial proceedings, or if any person shall fail or refuse to comply with the lawful orders of said board, such board with the approval of the city governing body may employ counsel to represent it in sustaining this act or the enforcement thereof, and the compensation of such counsel shall be paid by the city.

Section 22. **EFFECTIVE DATE.** This act shall take effect immediately upon its approval by the Governor or upon its otherwise becoming a law.

Section 23. **INCONSISTENT LAWS REPEALED.** All laws and parts of laws inconsistent herewith are hereby repealed.

Approved August 11, 1950.
Time 2:52 P. M.

Act No. 8

S. 15—Quarles, Henderson

AN ACT

To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

WHEREAS, the legislature of Alabama recognizes the great debt owed by the people of Alabama to their veterans of the War Between the States and

WHEREAS, these veterans are of a very advanced age and require special care and attention, the Legislature wishes to provide them with an additional fifty dollars per month to employ an attendant to help satisfy their needs, now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29 of Title 60 of the Code of Alabama (1940), as amended, is amended to read: "There shall be paid monthly to each and every Confederate soldier and sailor who is now on the pension roll of this State or who may hereafter be placed on the pension roll of this State the sum of two hundred dollars for each month; and there shall be paid monthly to each and every widow of a Confederate soldier and sailor, who is now on the pension roll of this state or who may hereafter be placed on the pension roll of this state the sum of fifty dollars for each month, without regard to class. There is hereby continuously appropriated out of the treasury a sum which, in conjunction with the monies derived from the one mill pension fund, shall be sufficient to carry out the provisions of this chapter and all other provisions of law relating to pensions for Confederate soldiers and sailors and their widows."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1950.
Time 2:55 P. M.

Act No. 9

S. J. R. 10—Quarles

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring, that Senate Bill No. 15 be designated as the Quarles, Henderson, Molette and Givhan bill.

Approved August 11, 1950.
Time 2:56 P. M.

Act No. 10

S. J. R. 11—Quarles

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that the name of Mr. Pinson be added as a co-author of Senate Bill No. 15.

Approved August 11, 1950.
Time: 2:57 P. M.

Act No. 11

H. J. R. 17—Beck

HOUSE JOINT RESOLUTION

Be it Resolved by the House the Senate concurring that House bill No. 2 be known as the Cater-Martin-Beck bill.

Approved August 11, 1950.
Time: 2:58 P. M.

Act No. 12

S. J. R. 13—Boutwell

SENATE JOINT RESOLUTION

Resolved that House Bill 13 be known as the Patton-Broadwater Bill.

Approved August 11, 1950.
Time: 2:51 P. M.

Act No. 13

S. J. R. 12—Kendall

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that House Bill No. 15 be designated the Garrett-Swift Bill.

Approved August 11, 1950.
Time: 2:52 P. M.

Act No. 14

H. 16—Garrett, White (Perry)

AN ACT

To amend Section 11 of Act No. 329, H. 714, approved July 1, 1943, (General Acts of Alabama, 1943, p. 311), as amended, entitled the "Farm to Market Road Act of 1943."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11 of Act No. 329, H. 714, approved July 1, 1943, (General Acts of Alabama, 1943, p. 311), as amended, entitled the "Farm to Market Road Act of 1943" is amended to read: "Any state money remaining in the state county aid fund for any county unexpended or not obligated for the construction of county roads at the end of a fiscal year shall revert to and be transferred and credited to the state public road and bridge fund; provided, however, beginning with the start of the postwar federal aid program provided in the Federal Aid Highway Act of 1944, and for such length of time as federal funds may be available, the state highway department will set aside monthly for the use of each county under the State Farm-to-Market Act of 1943, 1/67 of 1¢ of the state's gasoline tax. Any amount not matched by a county will accumulate until the end of the state's fiscal year, closing annually on September 30. The amount unused to the credit of each county at the close of the state's fiscal year will be held by the state highway department available for the county to match. The counties shall have a period of time to match state aid money equal to the period of time allowed to the State to match Federal highway aid money made available to the State in the same State fiscal year that the state aid money is credited to the counties. Any amount of state aid money not matched by a county in this period of time will revert to the state highway department."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 11, 1950.

Time: 3:00 P. M.

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE
FIFTH SPECIAL SESSION OF 1950
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING WEDNESDAY, AUGUST 9, 1950



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

JAMES E. FOLSOM, Governor
J. CLARENCE INZER, Lieutenant-Governor
J. BRUCE HENDERSON, President Pro Tem. of the Senate
W. M. BECK, Speaker of the House
PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the Fifth 1950 special session of the Legislature of Alabama and is the official publication of such acts.

Sibyl Pool,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

MESSAGE OF GOVERNOR JAMES E. FOLSOM

AUGUST 9, 1950

Gentlemen:

Our soldiers are at the front in Korea this day, fighting for the way of life which we are privileged to know here in America. They are fighting and dying for the preservation of a way of life which gives our people the right of choice—the right to choose sides in politics, religion, and major questions. Only a democracy affords its people that choice.

We are fighting for that right of choice in Korea today.

It seems to me if we are to preach that theme to Korea and the world, we first should be about our Father's business here at home. We should put our house of democracy in order here in Alabama.

How can we expect soldiers at the battlefield to believe in what they are fighting and dying for, when such an indifferent attitude is being taken on the problem of extending full democracy to our people in this State?

The fighting in Korea and the question of reapportionment are not so very far apart as some might be prone to think. Both are concerned with the freedom of choice and the rule of the majority.

A minority group usurps the right of the majority, and forces its selfish connivings upon the many.

And that brings us to a situation which is closely akin to what we are confronted with here at home this day. We have a minority group who is determined to hold onto its power, regardless of how much long range deterioration and chaos it may cause the state and the people. This minority group here in Alabama whether it fully realizes it or not, is preventing democracy from being fully effective here at home. It is making it so that our people shall not have the full freedom of choice which is guaranteed them by our constitution.

It is hard to understand why a group of our lawmakers refuses to give our people their full and rightful share of democracy. Our people are talking. Everywhere in Alabama today they are talking about reapportionment as never before in our State's history. And it is hard for them to understand why a minority group will put their own selfish gain ahead of our most basic and fundamental concept of democracy.

Gentlemen, we face a most serious situation.

This legislature is either going to settle down to an honest reapportionment bill and vote upon it, either for or against, in both

houses, or else it is going to be recorded in the pages of Alabama history as a legislature which refused to perform its duties according to the law. It will be recorded as a legislature which failed democracy in Alabama, and in doing so, failed the people.

There is no malice in my heart toward anyone about this matter. I am following the dictates of my conscience which I believe to be right beyond a shadow of doubt, because the language of our constitution is easily understood.

And so today, I am making the strongest plea of my life to you public servants who make the laws for the three million people of Alabama.

I am making a plea to you to search out your hearts for the wisdom of Jesus Christ who gave to civilized man a pattern of democracy unequalled by anything the world has ever known.

I am making a plea to you to give our people an honest democratic choice here in Alabama.

And now, gentlemen, the plea for justice, the plea for equal voice under the law, the plea for choice, rests in your hands.

I trust that you will deliberate upon the matter and find it in your hearts to put our house of democracy in order here at home.

I thank you.

Respectfully,

JAMES E. FOLSOM,
Governor.

ALABAMA LAWS

and Joint Resolutions

FIFTH SPECIAL SESSION, 1950

Act No. 1

H. J. R. 4—McGowin

HOUSE JOINT RESOLUTION

WHEREAS, the Governor has called another special session of the Legislature to consider reapportionment measures; and

WHEREAS, during the current quadriennium many reapportioning and re-districting measures have been presented to the Legislature in both regular and special sessions; and

WHEREAS, it is apparent that none of these measures were satisfactory in view of the unfavorable actions taken on them by the Legislature;

Now Therefore Be It Resolved by the House of Representatives, the Senate concurring, that a committee of twelve members be appointed—six from the House of Representatives to be appointed by the Speaker of the House and six from the Senate to be appointed by the Lieutenant Governor to study this subject in all of its aspects and to report its recommendations to the Legislature.

Be It Further Resolved that this joint committee designate one of its members as chairman and that the committee members be paid the usual per diem only for days actually in attendance, and which days shall be certified by the chairman.

Be It Further Resolved that when the two houses adjourn Monday, August 14th, they adjourn to meet again on Tuesday, October 10th, 1950, at 12 Noon, and during this recess the members, other than those designated in the preceding paragraphs shall receive no compensation.

Approved August 14, 1950.

Time 4:45 P. M.

Act No. 2

H. J. R. 3—Howell

HOUSE JOINT RESOLUTION

Whereas, the death of Representative Tarvey W. Bennett has deprived the Legislature and the State of a valuable and honorable public servant, and

Whereas, his services and activities as a member of the House of Representatives have been a substantial contribution to the welfare of the State, now therefore

Be It Resolved by the House of Representatives, the Senate Concurring:

1. The death of Tarvey W. Bennett is mourned by the members of the Legislature.
2. The sympathy of the members of the Legislature is hereby extended to the surviving members of the deceased's family.
3. The Clerk of the House of Representatives is directed to forward a copy of this resolution to the family of Tarvey W. Bennett.

Approved August 15, 1950.
Time: 2:15 P. M.

Act No. 3

H. J. R. 6—Ingalls, Busby, Sightler

HOUSE JOINT RESOLUTION

WHEREAS Alabama State College for Negroes, Montgomery, Alabama, established seventy-five years ago for the purpose of serving as a State University for Negroes, is a Class A accredited College by the Southern Association of Colleges and Secondary Schools, is offering the Master's degree in Education, and graduated more Negroes with the Bachelor's degree last year than any other college in America, and

WHEREAS the late Honorable William Burns Paterson served as the first President of the College and gave it sound direction in its beginning, and

WHEREAS the present President, Dr. H. Councill Trenholm, succeeded his father, Professor George W. Trenholm, as President of Alabama State College for Negroes twenty-five years ago, and has worked unceasingly with great diligence to build up the College, and

WHEREAS the College has exercised outstanding leadership in the harmonious and peaceful development of the Negro race to bring about its maximum contributions to the welfare of all the people of the State,

Now Therefore Be It Resolved by the House of Representatives, the Senate Concurring:

1. That we do recognize the contributions of the Alabama State College for Negroes and especially take notice of the seventy-fifth anniversary of this College, and
2. That we express our appreciation to Dr. H. Councill Trenholm on his twenty-fifth anniversary as President of Alabama State College for Negroes for his leadership and untiring efforts for the best development of the people of his race in their efforts to make the maximum contributions to the harmonious development of the people of this State.

Approved August 15, 1950.
Time: 2:20 P. M.

Act No. 4

H. J. R. 12—Pfleger

HOUSE JOINT RESOLUTION

Whereas, the great steel manufacturing industries of Alabama and the extensive coal producing areas of the state are of vital importance to the national defense of this country. And

Whereas, the future efficiency of these great industries as well as other segments of Alabama's commercial, industrial and agricultural life depend on the use of Mobile and supporting transportation facilities. And

Whereas, the Warrior-Tombigbee-Mobile waterway connecting the Birmingham, Bessemer, Fairfield areas via Tuscaloosa and Demopolis with the Port of Mobile is one of the state's most important transportation facilities. And

Whereas, this waterway has been navigated through the use of locks and dams for more than fifty years and although commerce on this waterway is steadily increasing the facilities in many places have become obsolete and are dilapidated. And

Whereas, the United States Congress has authorized the United States Army Engineers to make a preliminary survey of the navigation facilities in this waterway to determine whether or not an extensive survey should be made as to the facilities which would be needed for the complete modernization of this waterway.

Now Therefore,

Be It Resolved by the House of Representatives, the Senate Concurring, That the Army Engineers are earnestly requested to undertake the early and complete modernization of the Warrior-Tombigbee-Mobile Waterway connecting central and north Alabama with the Port of Mobile.

Approved August 15, 1950.

Time: 2:25 P. M.

Act No. 5

H. J. R. 9—Brannan

HOUSE JOINT RESOLUTION

WHEREAS, Fort Morgan is a place of great historic interest, and

WHEREAS, The Legislature is desirous of having Fort Morgan and Fort Morgan Park properly cared for and beautified, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That:

1. The State Department of Conservation is hereby requested to employ or assign a landscape engineer to plan and supervise the beautification of Fort Morgan Park.

2. The State Department of Conservation is hereby further requested to employ or assign an architect to plan and supervise the restoration of Fort Morgan.

3. The Clerk of the House is directed to transmit a copy of this resolution to the Director of the Department of Conservation.

Approved October 10, 1950.

Time 1:25 P. M.

Act No. 6

H. J. R. 10—Brannan

HOUSE JOINT RESOLUTION

Be it resolved by the House of Representatives, the Senate concurring, that House Joint Resolution No. 9 which has passed both houses of the Legislature be and the same is hereby named the Brannan-Gulledge Resolution.

Approved October 10, 1950.

Time 1:26 P. M.

Act No. 7

S. J. R. 9—Lowe

SENATE JOINT RESOLUTION

WHEREAS Alabama Agricultural and Mechanical College for Negroes, Normal, Alabama, is commemorating its seventy-fifth anniversary, is a Class A accredited college by the Southern Association of Colleges and Secondary Schools, and is the state land-grant college for Negroes, and

WHEREAS the late William Hooper Council founded this school as a State Normal School and served as its President for thirty-four years, giving it much direction in its growth to serve his race and all of the people of Alabama, and

WHEREAS the present President, Dr. J. F. Drake, has served the school as President for twenty-three years,

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That we do recognize the contributions of the Alabama Agricultural and Mechanical College for Negroes, and especially take notice of the seventy-fifth anniversary of this College, and

2. That we express our appreciation to Dr. J. F. Drake and to his associates for their leadership and untiring efforts for the best development of the College for the people of this race and for their efforts to make the maximum contributions to the harmonious development of all of the people of this State.

Approved October 13, 1950.

Time 1:45 P. M.

Act No. 8

S. J. R. 12—Patterson

SENATE JOINT RESOLUTION

WHEREAS, Senator Forrest G. Bridges departed this life on September 4, 1950, in Notasulga, Alabama and,

WHEREAS, he had devoted practically his entire adult life to public service, serving as Sheriff of Macon County, member of the House of Representatives of Alabama, member of the Senate of Alabama for Bullock and Macon Counties and Mayor of his home town, Notasulga, for 22 years and,

WHEREAS, he was devoted to his family, his many friends, and the people he served, being ever ready to contribute to the needs of his neighbors and to the progress and well being of his home town, County and State, and,

WHEREAS, he was an active and successful business man, who used his outstanding talents at all times for the progress and betterment of his community, impressing those with whom he came in contact with the qualities of his Christian character, and,

WHEREAS, he will be sorely missed by his family, neighbors, and his many friends throughout the State who now mourn their loss, now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. We express our profound grief in the passing of Forrest G. Bridges and extend our sincere and deep sympathy to the members of his family and to his many friends and neighbors throughout the State.

2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Mrs. Forrest G. Bridges. The Resolution shall be spread upon the journals of the Legislature and a copy released to the press.

Approved October 13, 1950.

Time 1:46 P. M.

Act No. 9

S. J. R. 15—Patterson

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring, That the Legislature, having heretofore invited the lovely and charming Maid of Cotton to visit the Capitol and the City of Montgomery during the present session, now wishes to honor Miss America, the beautiful Miss Yolande Betbeze of Mobile, by cordially extending to her an invitation to visit the Capitol during the session, and the privileges of the floor of both houses are hereby extended to her.

Be it further resolved, That a duly enrolled copy of this Resolution be transmitted to Miss Betbeze by the Secretary of State.

Approved October 13, 1950.

Time 1:47 P. M.

Act No. 10

H. J. R. 15—Roberts

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that H. J. R. No. 4 be named the McGowin-Morring Resolution.

Approved October 13, 1950.

Time 1:46 P. M.

Act No. 11

H. J. R. 16—Callahan

HOUSE JOINT RESOLUTION

Whereas, Miss Ann Adams, of Tuscaloosa County, Alabama, who is the niece of Representative Jesse B. Adams, of Dale County Alabama, has been chosen the 1951 Alabama Maid of Cotton, and

Whereas, Miss Adams is a lovely and charming young woman and represents a rare combination of brains and beauty and is a credit to the State, and

Whereas, the Legislature wishes to honor Miss Adams, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. An invitation is hereby cordially extended to Miss Ann Adams to visit the Capitol and the City of Montgomery during the present session of the Legislature, and the privileges of the floor of both houses of the Legislature are extended to her.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Miss Adams and to release a copy of it to the press.

Approved October 13, 1950.

Time 1:48 P. M.

Act No. 12

H. J. R. 19—Pfleger, Sullivan, Stone

HOUSE JOINT RESOLUTION

WHEREAS, Miss Yolande Betbeze of Mobile, Alabama, by reason of her beauty, charm, poise, talent and ability has achieved the distinction of being the first lady of Alabama to be named as Miss America; and

WHEREAS, such recognition has redounded to the benefit of Alabama and of all Alabamians and will, in the future, create favorable interest in this State; and

WHEREAS, it is the wish of the people of Alabama, through their duly elected representatives to publicly recognize the achievement of Miss Yolande Betbeze,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that Miss Yolande Betbeze be and is hereby congratulated on behalf of the State of Alabama for her magnificent achievement and that it be made known to her that the best wishes of the people of this State go with her in her year of reign as Miss America.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the said Miss Yolande Betbeze and that a copy hereof be forwarded to the officials of "Miss America" at Atlantic City, New Jersey.

Approved October 13, 1950.

Time 1:49 P. M.

Act No. 13

H. 26—Dobbs (Fayette)

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Fayette County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in sub-

division 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Fayette County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Fayette County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Fayette County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the next general election after January 1, 1951. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word "Yes" and immediately under that word there shall be printed the word "No." Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.
Passed House October 10, 1950.
Passed Senate October 18, 1950.

Act No. 14

S. J. R. 17—Cater

SENATE JOINT RESOLUTION

Be It Resolved by the Senate, the House concurring, that the Legislature has received information that Miss Nell Rankin of Montgomery, Alabama, the lovely, talented daughter of Mr. Allen C. Rankin and the late Eugenia Knabe Rankin, competing with opera singers from all over the world in the International Artists Contest recently held in Geneva, Switzerland has been awarded first prize; that in doing so she has brought not only renown to

herself but also to her home town of Montgomery and the whole state of Alabama.

Be It Further Resolved that the Legislature of Alabama does sincerely congratulate Miss Rankin on this achievement and wishes for her much success in her future operatic efforts.

Be It Further Resolved that the Secretary of State be directed to transmit forthwith a duly authenticated copy of this Resolution to Miss Rankin.

Approved October 20, 1950.
Time 10:15 A. M.

Act No. 15

S. J. R. 5—Cater

SENATE JOINT RESOLUTION

Whereas Alabama State College for Negroes, Montgomery, Alabama, established seventy-five years ago for the purpose of serving as a State University for Negroes, is a Class A accredited College by the Southern Association of Colleges and Secondary Schools, is offering the Master's degree in Education, and graduated more Negroes with the Bachelor's degree last year than any other college in America, and

Whereas the late Honorable William Burns Paterson served as the first President of the College and gave it sound direction in its beginning, and

Whereas the present President, Dr. H. Councill Trenholm, succeeded his father, Professor George W. Trenholm, as President of Alabama State College for Negroes twenty-five years ago, and has worked unceasingly with great diligence to build up the College, and

Whereas the College has exercised outstanding leadership in the harmonious and peaceful development of the Negro race to bring about its maximum contributions to the welfare of all the people of the State,

Now Therefore Be It Resolved by the Senate, the House of Representatives Concurring:

1. That we do recognize the contributions of the Alabama State College for Negroes and especially take notice of the seventy-fifth anniversary of this College, and

2. That we express our appreciation to Dr. H. Councill Trenholm on his twenty-fifth anniversary as President of Alabama State College for Negroes for his leadership and untiring efforts for the best development of the people of his race in their efforts to make the maximum contributions to the harmonious development of the people of this State.

Approved Oct. 20, 1950.
Time 11:50 A. M.

Act No. 16

S. J. R. 20—Patterson

SENATE JOINT RESOLUTION

Whereas the State has suffered a great loss in the passing of Mrs. Birdie Inzer Doster, the sister of the distinguished Lieutenant Governor of Alabama and a civic and religious leader who contributed substantial services to the progress and culture of her community and this State; now therefore

Be It Resolved by the Senate, the House Concurring, That the passing of Mrs. Doster is deeply mourned and her memory revered, and the sympathy of the members of the two Houses is hereby extended to her bereaved relatives.

Approved Oct. 20, 1950.

Time 11:50 A. M.

Act No. 17

S. J. R. 18—Lowe and Kendall

SENATE JOINT RESOLUTION

Whereas: The President of the United States has, by executive order, stopped the export of all cotton from this country, and

Whereas, this act has resulted in a decline in the price of cotton of approximately \$8.50 per bale, and threatens to reduce the price still further, thereby taking millions of dollars of income from the American farmer, and

Whereas, farmers do not deny that the world situation is critical and may require drastic action on the part of our Government—it is not fair to allow a disproportionate share of the burden to fall on any one segment of society.

Therefore, be it resolved that We, The Senate of Alabama, the House concurring, do jointly deplore the fate that has befallen our cotton farmers, and urge our senators and members of the Congress from this state to exert their energies and influence to see that the economic burden of the present conflict is shared as nearly equal as possible by all our people; that, if it is necessary to control the price of farm commodities, that prices of all other commodities and wages be controlled on a fair and equal basis.

We request that the Secretary of the Senate send copies of this resolution to Governors and Commissioners of Agriculture of the Southern states.

Approved Oct. 23, 1950.

Time 10:40 A. M.

Act No. 18

H. J. R. 23—Dobbs (Fayette)

HOUSE JOINT RESOLUTION

Resolved by the House, the Senate concurring, that House Bill 26 shall be known and designated as the Dobbs-Kimbrell bill.

Approved Oct. 23, 1950.

Time 10:41 A. M.

Act No. 19

H. J. R. 24—Shelton, Callahan

HOUSE JOINT RESOLUTION

Authorizing the Board of Trustees of the University of Alabama to designate the building used as the Alumni Hall as the "Temple Tutwiler Alumni Hall."

Whereas the Board of Trustees of the University of Alabama has indicated its disposition to designate the building on the University Campus used as an alumni hall the "Temple Tutwiler Alumni Hall" in recognition of Mr. Temple Tutwiler's contributions to the State as a public-minded citizen thereof and a loyal alumnus of the University; therefore

Be It Resolved by the House of Representatives of Alabama, the Senate concurring, That the Board of Trustees of the University of Alabama is hereby authorized to designate the building used as an alumni hall as the "Temple Tutwiler Alumni Hall."

Approved Oct. 23, 1950.

Time 10:42 A. M.

Act No. 20

H. 24—McDonald

AN ACT

For the relief of the next of kin of Eugene Ogburn.

Be It Enacted by the Legislature of Alabama:

Section 1. The Governing body of Coosa County is authorized and directed to pay to the next of kin of Eugene Ogburn, late of Goodwater in Coosa County, the sum of five hundred dollars (\$500) out of any funds of the county not otherwise appropriated as reimbursement for funeral expenses incurred upon the death of Eugene Ogburn who was killed in the course of his employment by the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 23, 1950.

Time 10:43 A. M.

Act No. 21

H. 23—McDonald

AN ACT

For the relief of the widow of P. P. Wilson.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Coosa County is authorized and directed to pay to the widow of P. P. Wilson, late of Sylacauga,

Route 2, in Coosa County, the sum of five hundred dollars (\$500) out of any funds of the county not otherwise appropriated as reimbursement for funeral expenses incurred upon the death of her husband who was killed in the course of his employment by the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 23, 1950.
Time 10:44 A. M.

Act No. 22

S. J. R. 21—Mize

SENATE JOINT RESOLUTION

Authorizing the Board of Trustees of the University of Alabama to designate a dormitory for women students as "Adams-Parker Dormitory."

Whereas the Board of Trustees of the University of Alabama has indicated its disposition to designate a dormitory for women students as "Adams-Parker Dormitory" in honor of Miss Anna Adams and Miss Bessie Parker, the first women students to enter the University after the inauguration of the co-educational system; therefore

Be It Resolved by the Senate of Alabama, the House of Representatives concurring, That the Board of Trustees of the University of Alabama is hereby authorized to designate a dormitory for women students as the "Adams-Parker Dormitory."

Approved Oct. 23, 1950.
Time 10:45 A. M.

Act No. 23

S. J. R. 22—Mize

SENATE JOINT RESOLUTION

Authorizing the Board of Trustees of the University of Alabama to designate the building used for the School of Commerce and Business Administration as "Bidgood Hall."

Whereas the Board of Trustees of the University of Alabama has indicated its disposition to designate the building on the University Campus used for the School of Commerce and Business Administration as "Bidgood Hall" in recognition of the services rendered to the University by Dean Lee Bidgood, who has served the University for the past thirty years as Dean of the School of Commerce and Business Administration; therefore

Be It Resolved by the Senate of Alabama, the House of Representatives concurring, That the Board of Trustees of the University of Alabama is hereby authorized to designate the building

used by the School of Commerce and Business Administration at the University of Alabama as "Bidgood Hall."

Approved Oct. 23, 1950.
Time 10:46 A. M.

Act No. 24

S. 40—Harvey

AN ACT

Proposing an amendment to the Constitution of Alabama relating to Blount County, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Blount County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Blount County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Blount County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Blount County for the purpose of determining the borrowing capacity of such municipality under Sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

"10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless

and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the next general election after January 1, 1951. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word "Yes" and immediately under that word there shall be printed the word "No." Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional amendment.

Passed Senate October 13, 1950.

Passed House October 24, 1950.

Act No. 25

S. J. R. 16—Hooton

SENATE JOINT RESOLUTION

Be It Resolved by the Senate, the House of Representatives concurring, that in accordance with the Amendment to the Constitution proposed by General Act No. 384 of the 1945 Legislature of Alabama and ratified by the people in the November 1946 election, each member of the Legislature, in addition to his travel allowance, shall be allowed expenses, other than actual expenses of traveling incurred in the performance of his duties, the sum of \$10.00 per day; and the State Comptroller shall draw warrants in the sum of \$10.00 per day for eleven days to cover the expenses of each member of the Legislature, which expenses were incurred in the prior fiscal year. Said warrants to be drawn against the

current appropriation to the Legislature for the fiscal year ending September 30, 1951.

Approved October 24, 1950.
Time 4:40 P. M.

Act No. 26

H. 64—Beck

AN ACT

To amend "An act to establish a county court for DeKalb County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of DeKalb County, Alabama, to the cases pending in said DeKalb County Court to the equity side of the Circuit Court of DeKalb County, Alabama", acts No. 179, approved July 22, 1927, as amended, by amending Section 5 thereof to read as hereafter set out.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of the act No. 179, as amended, approved July 22, 1927, which relates to the DeKalb County Court, of DeKalb County, Alabama, is amended to read as follows: Section 5. That the judge of said Court shall receive a salary of Four Thousand, Eight Hundred Dollars per annum payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 25, 1950.
Time 10:50 A. M.

Act No. 27

H. 79—Coburn

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Colbert County, validating Act No. 485 of the General Acts of the regular 1949 session of the Alabama Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

"The provisions of Act 485 enacted at the 1949 Regular Session of the Alabama Legislature and approved August 30, 1949, are

hereby validated and confirmed, any of the laws of the State of Alabama and any provision or provisions of the Constitution of Alabama of 1901 as amended to the contrary notwithstanding.

Section 2. An election upon the proposed amendment is ordered to be held at the next General Election or Special Election to be held in the State of Alabama after January 1, 1951. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the State in which a newspaper is published, and in every county in which no newspaper is published a copy of such notice shall be posted at the courthouse for four successive weeks next preceding the day appointed for the election.

Constitutional Amendment.

Passed the House October 19, 1950.

Passed the Senate October 25, 1950.

Act No. 28

H. 87—Callahan and Shelton

AN ACT

To make an additional appropriation to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all appropriations heretofore made for the support, maintenance and repair of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients the sum of one dollar (\$1.00) per week for each patient is hereby appropriated to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved October 25, 1950.

Time 11:45 A. M.

Act No. 29

H. 48—Adams (Dale)

AN ACT

To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Collector of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County is authorized and directed to pay out of the County treasury the salaries of additional clerks for the Tax Collector, to be appointed by the Tax Collector who shall also fix their salaries at not more than one thousand two hundred dollars (\$1200) per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.
Time 10:20 A. M.

Act No. 30

H. 49—Adams, (Dale)

AN ACT

To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Assessor of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County is authorized and directed to pay out of the County treasury the salaries of additional clerks for the Tax Assessor, to be appointed by the Tax Assessor who shall also fix their salaries at not more than one thousand two hundred dollars (\$1200) per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.
Time 10:22 A. M.

Act No. 31

S. 12—Cater

AN ACT

To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Any circuit solicitor of this state who has served continuously for fifteen years as circuit solicitor and who is not

less than seventy years of age may elect to become a supernumerary circuit solicitor of the state by filing, while in service, a written declaration to that effect with the Governor, who shall, if the age of the declarant be not less than seventy and his continuous service as circuit solicitor be not less than fifteen years, thereupon issue to such declarant a commission as supernumerary circuit solicitor of the State of Alabama. The office of circuit solicitor made vacant by the election of any such declarant shall be filled by appointment of the Governor as now provided by law.

Section 2. Such supernumerary circuit solicitors shall take the oath of office prescribed by the Constitution for judicial officers and shall have and exercise all the duties, power and authority of solicitors of the judicial circuits or circuit courts, and shall, upon request of the Governor, or upon the request of the Chief Justice of the Supreme Court, or upon the request of the Attorney General, attend any regular, adjourned or special session of any circuit court in any of the judicial circuits of Alabama for the investigation of or the prosecution of any criminal case, or the prosecution or defense of any cause in which the State is interested.

Section 3. The term of office of a supernumerary circuit solicitor shall be twelve years and shall begin upon the date of the issuance of the commission hereinabove provided. Each such supernumerary circuit solicitor shall receive a salary of Four Thousand (\$4,000.00) Dollars per year, payable monthly out of the treasury as other judicial salaries are paid, for the payment of which an appropriation is hereby made. Any such supernumerary circuit solicitor shall be removed by impeachment for the causes specified in Section 173 of the Constitution, and in like manner as is provided for the impeachment of circuit solicitors.

Section 4. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

Approved Oct. 31, 1950.
Time 10:45 A. M.

Act No. 32

S. 42—Howle

AN ACT

For the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Calhoun County, Alabama be, and it is hereby authorized to pay to Mrs. Harry S. Parker the sum of Two Thousand (\$2,000.00) as compensation to her and the minor children of Harry S. Parker for the death of her

husband, Harry S. Parker, which occurred on December 29, 1949 as the result of injury received by him while working as an employe of said County, and while in the line of and performing his duties as an employe of the Road Department of Calhoun County, Alabama, said injury and death occurring under such circumstances that said widow and said minor children have no recourse at law to recover damages or compensation for his death.

Section 2. That the County Commission of Calhoun County, Alabama be, and it is hereby empowered and authorized to pay such compensation to Mrs. Harry S. Parker out of the general fund of Calhoun County, Alabama.

Section 3. That this act shall take effect immediately upon its passage and approval, or upon its otherwise becoming law.

Approved Oct. 31, 1950.
Time 10:25 A. M.

Act No. 33

S. 52—Hughes

AN ACT

To Fix the Salary of the Deputy Solicitor of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Salary of the Deputy Solicitor for Geneva County, Alabama, be and the same is hereby fixed at the sum of Eighteen Hundred Dollars (\$1800.00) per year, payable in monthly installments of One Hundred Fifty (\$150.00) Dollars per month, payable out of the General Funds of Geneva County, Alabama.

Section 2. That all Laws and parts of Laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor.

Approved Oct. 31, 1950.
Time 10:28 A. M.

Act No. 34

H. J. R. 17—Beck, Harris

HOUSE JOINT RESOLUTION

Authorizing and directing the Clerk of the House of Representatives and the Secretary of the Senate to negotiate for, acquire, and supervise the installation of air conditioning on the second floor of the State Capitol building adjacent to the House and Senate Chambers, excluding the second floor of the North Wing and the second floor of the South Wing of the Capitol building.

Be it Resolved by the House of Representatives the Senate concurring:

1. The Clerk of the House of Representatives and the Secretary of the Senate are authorized and directed to negotiate for, acquire,

and supervise the installation of glass doors and the installation of air conditioning on the second floor of the State Capitol building including the offices located on said second floor in the east wing of the Capitol building adjacent to the House and Senate Chambers, excluding the second floor of the North Wing and the second floor of the South Wing of the Capitol building.

2. Payment for the acquisition and installation of such air conditioning system or systems shall be made from the funds to the credit of the Legislature.

Approved Oct. 31, 1950.

Time 10:30 A. M.

Act No. 35

H. J. R. 26—White

HOUSE JOINT RESOLUTION

Whereas, the State of Alabama is intensely interested in the development of all livestock and agricultural activities throughout the State; and

Whereas, Blonde Aim Susie, 1509217, a Jersey cow, owned and shown by Dr. Joseph D. Wilson and Mr. Jack R. Wilson, owners of Dutch Bend Farm at Autaugaville, Alabama, was shown at the All-American Jersey Show at Dallas, Texas, on October 19, 1950; and

Whereas, Blonde Aim Susie was adjudged All-American Champion at the aforesaid show which has brought honor to the State of Alabama by virtue of such victory and she has also commanded the attention and acclaim of the entire dairy world; and

Whereas, Blonde Aim Susie, having reached the pinnacle in the Jersey World, and by so doing was awarded the Morrocroft Grand Champion Trophy and Rosette, together with the Middlebrook Farm Senior Champion Banner and Trophy.

Be It Therefore Resolved by the House of Representatives of the Legislature of Alabama, the Senate concurring, that the two Houses extend their felicitations and thanks to Dr. Joseph D. Wilson and Jack R. Wilson, owners of the champion Blonde Aim Susie, for their intense interest and perseverance which has reflected honor upon the livestock industry and the state as a whole.

Be It Further Resolved that Blonde Aim Susie be acclaimed, by this Legislature, as the winner of the first grand championship in the Coliseum at the Montgomery Dairy Cattle Exposition.

Be It Further Resolved that a picture of Blonde Aim Susie, of suitable size, be hung in the foyer of the Coliseum. Said picture to be selected and hung by the Agricultural Center Board.

Be It Further Resolved that a copy of this resolution be forwarded to Dr. Joseph D. Wilson and Mr. Jack R. Wilson, Dutch

Bend Farm, Autaugaville, Alabama, and a copy of this resolution be spread upon the Journal of the two Houses.

Approved Oct. 31, 1950.

Time 10:31 A. M.

Act No. 36

S. 53—Russell

AN ACT

To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria for District No. 1, located at Decatur, Alabama and District No. 4 located in Etowah County, Alabama, is hereby ratified, confirmed and validated.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved Oct. 31, 1950

Time 10:33 A. M.

Act No. 37

H. 66—Miller, Ganey

AN ACT

To fix the salary of the State Superintendent of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the State Superintendent of Education shall be seven thousand five hundred dollars (\$7,500) per annum, to be paid in installments from the annual appropriation to the State Department of Education.

Section 2. This Act shall become effective January 15, 1951.

Approved Oct. 31, 1950.

Time 10:34 A. M.

Act No. 38

H. 42—Benford

AN ACT

To repeal Act. No. 263, S. 403, approved July 22, 1949 (Acts of Alabama, 1949, page 388), entitled "An Act To prohibit any person who carries mail under a contract with the United States from carrying pas-

sengers; to apply in and only in counties having a population of not less than 36,500 nor more than 42,400 inhabitants according to the most recent federal census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 263, S. 403, approved July 22, 1949 (Acts of Alabama, 1949, page 388), entitled "An Act To prohibit any person who carries mail under a contract with the United States from carrying passengers; to apply in and only in counties having a population of not less than 36,500 nor more than 42,400 inhabitants according to the most recent federal census, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.
Time 10:35 A. M.

Act No. 39

H. 83—Pinkston

AN ACT

To amend Section 6 of Act No. 528, H. 992, approved September 2, 1949 (Acts of Alabama, 1949, page 819), which establishes a county-wide personnel system for all counties of the state having a population of not less than 100,000 and not more than 140,000 and for municipalities in such counties having a population of 5,000 or more.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 528, H. 992, approved September 2, 1949 (Acts of Alabama, 1949, page 819) is amended to read:

"Section 6. (a) Appointments to vacant positions in the competitive or classified service shall be made in accordance with the rules established hereunder and from employment lists resulting from competitive examination, or by promotion, transfer, demotion or reinstatement. Appointments shall be made by the governing body of the county or municipality, or by the officer in whom the power to make appointments is vested by law.

"(b) If appointment is to be made from employment or promotional lists, the names of persons willing to accept appointment shall be certified by the Personnel Director in the order in which they appear on the lists. The number of names certified shall exceed by four the number of vacancies to be filled.

"(c) In the absence of appropriate employment lists, a temporary appointment may be made by the appointing power of a person meeting the minimum qualifications for the position, provided, however, that an employment list shall be established for such position within ninety days. No person shall be employed under temporary appointment for a total of more than ninety days in any fiscal year. In the event of emergency, the appointing

power may appoint such persons as are required to meet the situation, but such appointments shall not exceed thirty working days, except that in case of a war emergency so declared by an Act of Congress, such appointments may continue until the termination of such emergency.

“(d) No credit shall be allowed in the giving of any examination or the establishment of any employment or promotional lists, for service rendered under a temporary appointment.

“(e) During the period of suspension of any employee, or pending final action on proceedings to review the suspension, demotion or dismissal of an employee, the vacancy created may be filled by the appointing power only by temporary appointment.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.
Time 10:36 A. M.

Act No. 40

H. 13—Gibson, Meeks

AN ACT

Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

Be It Enacted by the Legislature of Alabama:

Section 1. That all property owned and used by a college for the purpose of housing students, members of the faculty or other employees of the college is exempt from taxation.

Section 2. That all property owned by a college and held for the bona fide purpose of being used for enlargement of a campus or for the development of a new campus is exempt from taxation.

Approved Oct. 31, 1950.
Time 10:38 A. M.

Act No. 41

H. 73—Ingalls

AN ACT

To amend Section 543 of Title 51, Code of Alabama (1940), which relates to privilege license, and provides for retroactive effect thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 543 of Title 51, Code of Alabama (1940) is amended to read as follows:

"Section 543. For each person, firm, or corporation who operates what is commonly known as a power or steam laundry: In cities and towns of thirty-five thousand inhabitants and over, sixty dollars; in cities and towns of less than thirty-five thousand and not less than fifteen thousand inhabitants, thirty dollars; in cities and towns of less than fifteen thousand and not less than five thousand inhabitants, fifteen dollars; in all other places whether incorporated or not, ten dollars. For self-service laundries or concerns commonly known as launderettes, twenty-five percent of the power or steam laundry license. For each laundry operated by hand power, ten dollars. Provided, That no license shall be required of persons commonly known as a 'wash-woman.' Provided further, That hotels which operate laundries exclusively for their own guests shall pay a license of twenty-five percent of the foregoing enumerated amounts for power or steam laundries. And provided further, That a person not having a place of business within the State of Alabama where such work is actually performed shall pay a license of twenty-five dollars for the reception or collection of laundry."

Section 2. The effective date of this Act shall be October 1, 1950; upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.

Time 10:40 A. M.

Act No. 42

H. 54—Taylor, (Autauga), Merrill,
Martin, Lovelace

AN ACT

To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of one thousand two hundred fifty dollars (\$1,250) of the funds heretofore appropriated to the use of the Legislative Reference Service for the payment of expenses other than salaries during the fiscal year 1950-51 is hereby transferred to the Service's appropriation for the payment of salaries.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.

Time 10:41 A. M.

Act No. 43

H. J. R. 30—Callahan

HOUSE JOINT RESOLUTION

Be It Resolved by the House, the Senate Concurring, That House Bill No. 87 be known and designated as the Callahan, Shelton, and Mize Bill.

Approved Oct. 31, 1950.
Time 10:42 A. M.

Act No. 44

H. 35—Wallace

AN ACT

To provide for educational benefits to children and widows of deceased veterans; to provide for educational benefits for the children, wives and veterans who are suffering from a 40% or more service-connected disability; and to provide for correspondence and extension courses for veterans.

Be It Enacted by the Legislature of Alabama:

Section 1. Any child whose father or mother was killed, or died in the service of his country during World War II, or is listed as missing in action, as a member of the Armed Forces, between the dates of September 16, 1940 and June 30, 1946, or any child whose father or mother died from a service-connected disability after December 16, 1940 or before July 1, 1950 after being honorably discharged after serving at least ninety days in the Armed Forces between September 16, 1940 and June 30, 1946, or any child whose father or mother was killed in, or died as a result of participating in a combat operation against opposing forces of any other country while serving as a member of the Armed Forces may attend any State institution of higher learning, college, or university for a period of four years without paying any tuition or fees whatsoever for such college or university attendance, or any such child may take a prescribed course in any State trade school, for the length of any prescribed course of study of his or her choosing without the payment of any tuition or fees whatsoever.

Section 2. The wife of any deceased veteran of World War II, who was killed or died while serving in any of the branches of the Armed Forces or is listed as missing in action, between the dates of September 16, 1940 and June 30, 1946, or the wife of any veteran who died from a service-connected disability after December 16, 1940 and before July 1, 1950 after being honorably discharged from and Armed Forces after serving at least ninety days between the above dates, or the wife of any person who was killed in, or died as a result of participating in a combat operation against opposing forces of any other country while serving as a member of the Armed Forces shall be entitled to attend any State institution of higher learning, college, or university for a period of two years without the payment of any tuition or fees whatsoever,

or such wife may attend any State trade school on the payment of one-half of the cost of tuition and fees of any prescribed course in any such school. Provided, however, that should the surviving wife of such veteran have children by the deceased veteran, she shall then be entitled to four years of college training in any State institution of higher learning or college or university without the payment of any tuition or fees whatsoever, or such wife may take any prescribed course of study in any State trade school, tuition and fees free. Provided, however, this section shall not apply to the wife of any deceased veteran who has remarried prior to applying for and obtaining educational benefits under this section, and should any such wife of a deceased veteran remarry during the time she is in attendance upon any of the schools, colleges, or universities mentioned in this section, then she shall pay tuition and fees for her course of study or attendance upon such school, college or university from the time of her remarriage.

Section 3. The wife and children of any veteran who is suffering from a 40% or more service-connected disability, brought about from service in the Armed Forces of this country between September 16, 1940 and June 30, 1946, or from participating in a combat operation against opposing forces of any other country while serving as a member of the Armed Forces shall be entitled to the following educational advantages and opportunities:

The wife shall be entitled to two years attendance upon any institution of higher learning, college or university without the payment of any tuition or fees, and should she elect to take a prescribed course of study in any State trade school, then she shall be required to pay one-half of the regular tuition and fees for such prescribed course of study.

The children of such disabled veteran shall be entitled to four years attendance upon any institution of higher learning, college or university of the State without the payment of any tuition or fees, or he or she shall be entitled to a prescribed course of study in any State trade school, without the payment of any tuition or fees.

Section 4. Every bona fide permanent resident of at least one years residence in the State of Alabama before entrance into the service, who served in the Armed Forces of his country at least ninety days between September 16, 1940 and June 30, 1946, and if he has been honorably discharged from the Service, shall be entitled to take any extension or correspondence course from any State college or university offering same, without the payment of any fee or charge for such extension or correspondence course. The veteran taking advantage of this provision of the Act must do so within four years from the passage and approval thereof. Provided, however, no veteran shall be entitled to such correspondence or extension course if he or she is receiving or has received educational benefits under the Federal GI Bill of Rights.

Section 5. Any veteran who applies for benefits under this Act must produce sufficient identification, sufficient proof of being a permanent resident of this State, of at least one year prior to their entrance into service, and must produce an honorable discharge or other proof of honorable termination of at least ninety days of service in the Armed Forces before application for such benefits can be approved.

The wife or child of any veteran who makes application for any educational benefits under this Act must produce sufficient identification that such person is the wife or child of a deceased or disabled veteran, sufficient proof that their father or mother, as the case may be, is or was, a permanent resident of the State of Alabama, of at least one years residence prior to their entrance into the service, and, in the case of wives and children of disabled veterans, must produce an honorable discharge or other proof of honorable termination of service in the Armed Forces of his country, for a period of at least ninety days between the dates hereinabove mentioned.

Section 6. The State Department of Veterans Affairs is hereby expressly charged with the duty of informing the veterans and their dependents in this State through all sources at its command, of the provisions of this Act in order that those veterans and their dependents may know of the benefits here provided. The State Department of Veterans Affairs shall aid veterans and their dependents when making application to the various schools and institutions for the benefits here provided.

Section 7. All applications for benefits accruing under this Act must be made to the State Department of Veterans Affairs, or to the County Service Commissioner. The County Service Commissioner of the county in which the applicant resides must furnish all necessary blanks, forms and other matters necessary for the veterans, his wife or his dependents to obtain the benefits provided under this Act, and shall forward such blanks, forms and papers to the institution of higher learning or to the college or university of the applicant's choice and with all other necessary proof as required in this Act for the veteran, his wife or his dependents to obtain the benefits made available hereby.

Section 8. The County Superintendent of Education and the City Superintendent of Schools in each respective county and city must inform the teachers of that county of the provisions and benefits of this Act who in turn shall inform the children of veterans as to their rights and benefits under the provisions of this Act.

Section 9. Every institution of higher learning, college, university, or State trade school in which benefits are given to veterans, their wives and children under this Act, shall keep an accounting of the amount of free tuition and fees provided by such institution, college, university or other school, and must

submit such amounts to the Legislature of the State of Alabama at such time as it makes its regular request for appropriations. The Legislature shall then take into consideration the loss to the institution affording such free educational benefits under this Act in making its annual appropriations to such institutions, colleges, universities and other schools.

Section 10. Nothing in this Act shall be construed as lowering the standards or requirements, or as to making any exceptions thereto for entrance into any of the State schools or institutions affected by this Act. All applicants, in order to obtain the educational benefits of this Act, must first meet all scholastic and other requirements for entrance into any of the schools coming within the purview of this Act.

Section 10-A: The words and phrase "Tuition and fees" shall include and mean fees known and classed as instructional fees.

Section 10-B: The benefits under this Act shall not extend beyond the life of the immediate children of the veteran concerned.

Section 11. No veteran, his wife or children, may obtain any benefits under this Act when the same benefits provided in this Act may be obtained from the Federal Government.

Section 12. Tuition benefits received in Sections 1, 2, 3, of this Act shall be called "Alabama G.I. Dependents' Scholarships" and tuition benefits received under Section 4 of this Act shall be called "Alabama G.I. Scholarships."

Section 13. This Act shall be known as the "Alabama G.I. and Dependents' Educational Benefit Act."

Section 14. Definition. The term "Armed Forces" as used in this Act shall include the Army, Navy, Marine Corps, Coast Guard, and such term shall also include the units of those branches of the services having women troops. It shall also include the Army, Navy, Marine Corps and Coast Guard Nurse Corps.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved October 31, 1950.

Time 10:43 A. M.

Act No. 45

H. 61—Beck

AN ACT

To make it unlawful for any person to display, handle, exhibit or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of another, and prescribing the punishment for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who displays, handles, exhibits, or uses any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of another shall be guilty of a felony, and upon conviction shall be imprisoned for a term to be fixed by the court of not less than one, nor more than five years.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Oct. 31, 1950.
Time 10:44 A. M.

Act No. 46

H. 50—Dumas

AN ACT

To provide that the tax anticipation bonds, warrants or certificates of indebtedness issued pursuant to a constitutional amendment proposed by Act No. 570 of 1949, General Acts of Alabama of 1949, pp. 897-899, submitted December 13, 1949, and proclaimed ratified December 21, 1949, are authorized investments for any fiduciary.

Be It Enacted by the Legislature of Alabama:

Section 1. That, unless otherwise directed by the court having jurisdiction thereof, or by the will, trust agreement or other document which is the source of authority, any trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity, may, with the exercise of reasonable business prudence, in addition to any other investments now permitted by law, invest funds in the tax anticipation bonds, warrants, certificates of indebtedness or other security heretofore or hereafter issued by any county pursuant to the constitutional amendment proposed by Act No. 570 of 1949, General Acts of Alabama of 1949, pp. 897-899, submitted December 13, 1949, and proclaimed ratified December 21, 1949.

Approved Oct. 31, 1950.
Time 10:46 A. M.

Act No. 47

H. 92—Miller, Roberts

AN ACT

To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same are altered or re-

arranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Begin at the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) in Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian, Etowah County, Alabama, and from thence run in a Southerly direction and along the East line of said Section Seventeen (17) and the East line of Section Twenty (20), Township Eleven (11) South of Range Six (6) East of Huntsville Meridian to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-one (21), Township Eleven (11) South, Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty One (21); thence along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-one (21), and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty one (21) and along the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-eight (28), Township Eleven (11) South, Range Six (6) East of the Huntsville Meridian to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Easterly direction and along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28) to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twenty-eight (28) and along the East line of the West Half ($W\frac{1}{2}$) of Section Thirty-three (33), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33); thence in an Easterly direction and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33) and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Thirty-four (34), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-four (34); thence Northerly along the West line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northwest

corner thereof; thence Easterly along the North line of the said Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner thereof; thence Northerly along the West line of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner of said Section, which is also the Southwest corner of Section Twenty-six (26), Township Eleven (11) South, of Range Six (6) East; thence Northerly along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty six (26) to the Northwest corner thereof; thence Easterly along the North line of the said Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty six (26) to the Northeast corner thereof; thence Northerly along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty six (26) to the Northwest corner thereof; thence Easterly along the North line of Sections Twenty six (26) and Twenty-five (25) to the Northeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty five (25); thence Southerly along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-five (25) to the Southeast corner thereof; thence Westerly along the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty five (25) to the Southwest corner thereof; thence Southerly along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-five (25), and the East line of the West Half ($W\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of Section Thirty-six (36) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-six (36), Township Eleven (11) South, of Range Six (6) East; thence Westerly along the South line of Section Thirty six (36) and Section Thirty-five (35), Township Eleven (11) South of Range Six (6) East to the Southwest corner of said Section Thirty-five (35), which is also the Northeast corner of Section Three (3); thence Southerly along the East line of Section Three (3), Township Twelve (12), South, of Range Six (6) East to a point where said line intersects the South bank of Coosa River to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, of Range Six (6) East intersects the South bank of Coosa River at low water mark; thence Southerly along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twelve (12) to the Southeast corner thereof; thence Easterly along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North line of the South Half ($S\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twelve (12) to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twelve (12); thence Southerly along the East line of Sections Twelve

(12) and Thirteen (13), Township Twelve (12) South, of Range Six (6) East to where said line intersects the Cherokee Indian Boundary line; thence in a Southeasterly direction and along said Indian Boundary line to the Northeast corner of Section Nineteen (19), Township Twelve (12) South, of Range Seven (7) East of Huntsville Meridian; thence in a Southerly direction and along the East line of said Section Nineteen (19) to the Southeast corner of said Section Nineteen (19) and to the corporate line of the Town of Glencoe as shown by a map thereof recorded in Final Record "V" page 114, in the Probate Court, Etowah County, Alabama; thence in a Westerly direction and along the South line of said Section Nineteen (19) and along the corporate line of the Town of Glencoe to where the corporate line of the Town of Glencoe turns in a Northwesterly direction; thence in a Northwesterly direction and along the corporate line of the Town of Glencoe to where said corporate line turns in a Southerly direction and along the corporate line of the Town of Glencoe to a point in the South line of said Section Nineteen (19); thence in a Westerly direction and along the South line of said Section Nineteen (19) to the Southwest corner of said Section Nineteen (19); thence in a Northerly direction and along the West line of said Section Nineteen (19) to the Southwest line of the Gadsden and Anniston Highway, as shown by the map of McCord's Subdivision recorded in Plat Book "D", page 119, Probate Office, Etowah County, Alabama; thence in a Northwesterly direction and along the Southwest line of said Highway to the South line of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-four (24), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty-four (24) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty-four (24) to a point in the Northeast line of Keeling Road; as shown by the map of Hadley Farms recorded in Plat Book "B", page 236, in said Probate Office; thence in a Northwesterly direction and along the Northeast line of the Keeling Road to the Indian Boundary line; thence in a Northwesterly direction and along the Indian Boundary line to the Southwest Corner of the Northeast part of the Southeast Fractional Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Northerly direction and along the West line of said Northeast Part of the Southeast Fractional Quarter in said Section Fourteen (14) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Fourteen (14); thence in a Westerly direction and along the South line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Fourteen (14) to the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Sec-

tion Fourteen (14); thence in a Northerly direction and along the East line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Fourteen (14) a distance of 495 feet; thence in a Westerly direction and parallel with the South line of said Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) to the west line thereof; thence Northerly and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Fourteen (14) to the Southeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Fourteen (14); thence in a Westerly direction and along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Fourteen (14) to the West line of said Section Fourteen (14); thence Southerly along the West line of Section Fourteen (14); which is the East line of Section Fifteen (15) to a point four hundred ninety-two (492) feet South of the Southeast corner of the North east Quarter ($NE\frac{1}{4}$) of said Section Fifteen (15), thence South thirty-four (34) degrees thirty-seven (37) minutes West, along the East lines of Lots Eighteen (18) and Nineteen (19) of Block Seven (7) of the Crestview Land Company Addition, two hundred (200) feet, thence North fifty (50) degrees thirteen (13) minutes West along the South boundary of the Crestview Land Company Addition one thousand six hundred seventy eight (1678) feet, thence North twenty-seven (27) degrees twenty-two (22) minutes East along the Northwest boundary of the Crestview Land Company Addition to a point on the North and South center line of the Northeast Quarter ($NE\frac{1}{4}$) of Section Fifteen (15), where said Northwest boundary of Crestview Land Company Addition intersects center line; thence Northerly along the said center line of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Fifteen (15) to the Northwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Fifteen (15), which is the Southwest corner of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$) of Section Ten (10) Township Twelve (12) South, of Range Six (6) East; thence in a Westerly direction and along the South line of said Section Ten (10) and along the South line of Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of Government Lot Number Three (3) in Section Sixteen (16), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence a Southerly direction and along the East lines of Government Lots Numbers Three (3), Six (6), Nine (9), and Eleven (11) and said lines extended to the South bank of Big Wills Creek, thence in an Easterly direction and down the South bank of said Creek to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-one (21), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian, produced Northerly, intersects said Creek bank; thence Southerly and along the East line of the West Half

(W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Said Section Twenty-one (21), and said line produced in a Northerly direction, to a point in the Northwest right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Southwesterly direction and along the Northwest right-of-way line of said highway to the East line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Twenty-one (21); thence in a Southerly direction and along the East line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Twenty-one (21) to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Twenty-one (21); thence in a Easterly direction and along the North line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Twenty-eight (28), Township Twelve (12) South, Range Six (6) East of Huntsville Meridian, to the West line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty-one (21); thence in a Northerly direction and along the West line of the Southwest Quarter (SW $\frac{1}{4}$) of the South east Quarter (SE $\frac{1}{4}$) of said Section Twenty-one (21) to the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty-one; thence in an Easterly direction and along the North line of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-one (21) to the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty-one (21); thence in a Southerly direction and along the West line of said Section Twenty one (21) to the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty-one (21); thence in a Westerly direction and along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty one (21) to the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), Section Twenty-eight (28), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian; thence in a Southerly direction and along the East line of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty-eight (28) to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Westerly direction and along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty-eight (28) to the Northeast corner of the Northeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Southerly direction and along the East line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-eight (28) to the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Westerly direction and along the South line of the North Half (N $\frac{1}{2}$) of the

Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty eight (28) to the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty eight (28); thence in a Northerly direction and along the West line of said Section Twenty-eight (28) to the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NE $\frac{1}{4}$) of said Section Twenty-eight (28); thence in an Easterly direction and along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Twenty-eight (28) for a distance of Two Hundred and Thirty-two (232) feet to the West line of a certain Street; thence in a Northeasterly and Northwesterly direction and along the West line of said Street to a point in the Southeast right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Northeasterly direction and along the Southeast right-of-way line of said highway to the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Twenty-one (21), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian; thence in a Westerly direction and along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-one (21); thence Northerly and along the West line of said Section Twenty-one (21) to the Southerly bank of Big Will Creek; thence in a Northeasterly and Easterly direction and along the Southerly bank of said Creek to a point which is two hundred (200) feet West, drawn on a line parallel with the North line of Section Sixteen (16) hereinbefore mentioned, from where the East line of Government Lot Number Eleven (11) in said section Sixteen (16), if produced in a Southerly direction, would intersect the South bank of said Creek; thence in a Northerly direction and parallel with the East lines of Government Lots Numbers Eleven (11), Nine (9), Six (6) and Three (3) in said Section Sixteen (16) and parallel with the East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to a point in the South line of the North (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9); thence in a Westerly direction and along the South line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) to the Southwest corner thereof; thence Northerly and along the West line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section (9) to the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9); thence in a Westerly direction and along the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) and along the South line of the Northeast Quarter NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Eight (8) to the Southwest corner

of the said Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Eight (8), which is also the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Eight (8); thence Southerly along the East line of said Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Eight (8) and along the East lines of Lots or Fractions Two (2) and Seven (7), Section Seventeen (17) to the Southeast corner of Lot or Fraction Seven (7); thence Westerly along the South line of Lot or Fraction Seven (7); Section Seventeen (17) to the Southwest corner thereof; thence Northerly along the West line of said lot or Fraction Seven (7) to the Northwest corner thereof; thence Westerly along the South line of Lots or Fractions Three (3) and Four (4) of Section Seventeen (17) and the South lines of Lots or Fractions One (1) and Two (2), Section Eighteen (18) to the Southwest corner of said Lot or Fraction Two (2); thence Northerly along the West line of said Lot or Fraction Two (2) to the Northwest corner thereof; said point being in the division line between Sections Seven (7) and Eighteen (18); thence Westerly along the South line of Section Seven (7) to the Southwest corner thereof; thence Northerly along the West line of Lot or Fraction Thirteen (13) to the Northwest corner of said Lot or Fraction Thirteen (13) of said Section Seven (7) which is also the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12); Township Twelve (12) South, of Range Five (5); thence Westerly along the South line of the said Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof; thence Northerly along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section (12), to the Northwest corner thereof; thence West along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section (12) to the Southwest corner thereof which is the Southeast corner of Lot or Fraction "A" otherwise known as the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, Range Five (5) East of Huntsville Meridian, and from thence run Southerly and along the East line of Fraction "C" in said Section Twelve (12) to the Southwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twelve (12); thence West and along the South line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twelve (12) extended in a Westerly direction across said Fraction "C" to a point in the West, or Southwest bank of Big Wills Creek; thence Northerly and Northwesterly up and along the West, or Southwest bank of Big Wills Creek to a point which is 140 feet Southeast of, and at right angles to, the center line of the Eighty (80) foot strip as described in a deed from the United States of America to Etowah County Alabama, dated Twenty-fifth of February, 1948, and recorded in Record Book

"361" page 153, Probate Office, Etowah County, Alabama; thence South Thirty nine (39) degrees eighteen' (18) West and parallel with the center line described in said deed above mentioned to a point in the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section (12); thence Southerly and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twelve (12) and along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in Section Thirteen (13) Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to the Southeast corner of said Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Thirteen (13); thence in a Westerly direction and along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Thirteen (13) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point in the West line of what is known as the "Airport" Road; thence Southerly and along the West line of said "Airport" Road to a point where the West Right-of-way line of said "Airport" Road intersects the Northerly Right-of-way line of what is known as the "Steel Station" Road; thence Westerly and Southwesterly and along the Northerly Right-of-way line of said "Steel Station" Road to where said Right-of-way line intersects the dividing line between Sections Twenty six (26) and Twenty Seven (27), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian; thence Northerly and along said Section line to the Southeast Corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section (27) Twenty-seven; thence Westerly and along the South line of said Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty Seven (27) to the Southwest corner thereof; thence North and along the West line of said Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty seven (27) and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty Two (22); Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to the Northwest corner of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty two (22); thence East and along the North line of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty Two (22) to the Northeast corner thereof which said last mentioned point is in the West line of Section Twenty Three (23), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian; thence North and along the West line of said Section Twenty three (23) a distance of one-half ($\frac{1}{2}$) mile to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty three (23); thence East and along the North line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northwest

Quarter (NW $\frac{1}{4}$) in Section Twenty three (23) to the Northeast corner thereof; which is also the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty three (23); thence Northerly and along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty-three (23) and along the West line of the East half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Northwest Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point of intersection with the North Right-of-way line of Highway from Morgan's Cross Roads to Camp Sibert; thence in a Westerly direction and along the North Right-of-way line of said Highway last mentioned, to where the same intersects the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Fifteen (15), Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, Alabama; thence North and along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Fifteen (15) and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Ten (10), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Ten (10); thence East and along the North lines of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Ten (10) and along the North line of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section (11), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, Alabama, and along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in Section Twelve (12) to a point which is One Hundred Forty (140) feet Northwest of, and at right angles to, the center line of the Eighty (80) foot strip described in the deed from the United States of America to Etowah County, Alabama, dated the 25th of February, 1948, and recorded in record Book "361" page 153, hereinbefore mentioned; thence North Thirty Nine (39) degrees Eighteen (18) Minutes East and parallel with said center line to a point in the West line of Lot or Fraction, "C" in Section Twelve (12) Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, Alabama, thence Northerly and along the West line of Lots, or Fractions, "C" and "A" in said Section Twelve (12) to the Northwest corner of said Lot, or Fraction "A", which said point is in the present City Limits of the City of Gadsden; thence West along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section One (1), Township Twelve (12) South, Range Five

(5) East to the Southwest corner thereof; thence Northerly and along the West line of said Section One (1) to the Northwest corner thereof; which is also the Southeast corner of Section Thirty Five (35), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section Thirty five (35) to the East bank of Little Wills Creek; thence in a Northerly and North-easterly direction up the East bank of Little Wills Creek to the North line of said Section Thirty five (35); thence in a Easterly direction and along the North line of said Section Thirty five (35) and along the North line of Section Thirty Six (36), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian and along the North line of Section Thirty one (31), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the North and South center line of Section Thirty (30), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the North and South center line of said Section Thirty (30) to a point in the South line of Section Nineteen (19), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Nineteen (19) to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19); thence Northerly and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19) to the Northwest corner thereof thence Easterly and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19) to the West line of Section Twenty (20) Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the West line of said Section Twenty (20) to the Northwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty (20) to the Southwest corner of the East Half ($E\frac{1}{2}$) of the Northwest Quarter in said Section Twenty (20); thence in a Northerly direction and along the West line of the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty (20) to the South line of Section Seventeen (17); Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Seventeen (17) to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17); thence in a Northerly direction and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17) to the Northwest corner thereof; thence in an Easterly direction and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17) to the point of beginning, all in Etowah County, Alabama.

Section 2. That the boundaries set out in Section One (1) of this Act be, and the same are hereby, established as the corporate limits of said City of Gadsden, Etowah County, Alabama, and all the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special, and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this act shall go into effect immediately upon its approval by the Governor.

Approved Nov. 1, 1950.
Time 11:16 A. M.

Act No. 48

H. 34—Wallace, Adams (Dale), Merrill, White
(Perry), Martin, Lovelace, Thomas, Brassell

AN ACT

To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Policy. In order to extend to employees of the State and its political subdivisions and of the instrumentalities of either, and to the dependents and survivors of such employees, the basic protection accorded to others by the old-age and survivors insurance system embodied in the Social Security Act, it is hereby declared to be the policy of the legislature, subject to the limitations of this Act, that such steps be taken as to provide such protection to employees of the State and local governments on as broad a basis as is permitted under applicable Federal law.

Section 2. Definitions. For the purposes of this Act—

(a) The term “wages” means all remuneration which, even if it were for “employment” within the meaning of the Federal Insurance Contributions Act, would not constitute “wages” within the meaning of that Act;

(b) The term “employment” means any service performed by an employee in the employ of the State, or any political subdivision thereof, or any instrumentality of either, for such employer, except (i) service which in the absence of an agreement entered into under this Act would constitute “employment” as defined in section 210 of the Social Security Act; or (ii) service which under applicable Federal law may not be included in an agreement between the State and the Federal Agency entered into under this Act.

(c) The term "employee" includes an officer of a State, political subdivision, or instrumentality;

(d) The term "State Agency" means the Secretary of State of the State of Alabama and the Advisory Board provided for here, or a majority of them, to wit; one member to be a state official or employee appointed by the Governor; two members to be county officials or employees appointed by the Governor from nominations made by the executive authority of the Association of Probate Judges and County Commissioners; and two members to be municipal officials or employees appointed by the Governor from nominations made by the executive authority of the Alabama League of Municipalities; and each member shall serve during his good behavior, to be determined by the appointing power, or during his continuance in office or employment, as the case may be.

(e) The term "Federal Agency," means in each case such Federal officer, department, or agency as is charged on behalf of the Federal Government, by or under the applicable Federal law, with the particular Federal function referred to in this Act in connection with such term;

(f) The term "political subdivision" includes any county, township, municipal corporation, school district, or other equivalent governmental entity;

(g) The term "instrumentality," when referring to an instrumentality of the State or political subdivision, includes only a legal entity which is separate and distinct from the State or such subdivision and whose employees are not by virtue of their relation to such entity employees of the State or such subdivision;

(h) The term "applicable Federal law" refers to the provisions of Federal law, Public Law 734, 81st Congress (including Federal regulations and requirements issued pursuant thereto), which provide for extending the benefits of Title II of the Social Security Act to employees of States, political subdivisions, and their instrumentalities;

(i) The term "Social Security Act" means the Act of Congress approved August 14, 1935, chapter 531, 49 Stat. 620, officially cited as the "Social Security Act," as such Act has been and may from time to time be amended; and

(j) The term "Federal Insurance Contributions Act" means subchapter A of chapter 9 of the Federal Internal Revenue Code as such Code has been and may from time to time be amended.

Section 3. (a) Federal-State Agreement. The State Agency, with the approval of the Governor, is hereby authorized to enter on behalf of the State into an agreement with the Federal Agency, consistent with the terms and provisions of this Act, for the purpose of extending the benefits of the Federal old-age and survivors insurance system to employees of the State or any political sub-

division thereof, or of any instrumentality of any one or more of the foregoing, with respect to services specified in such agreement, which constitute "employment" as defined in section 2 of this Act. Such agreement may contain such provisions relating to coverage, benefits, contributions, effective date, modification and termination of the agreement, administration, and other appropriate provisions as the State Agency and Federal Agency shall agree upon, but, except as may be otherwise required by or under applicable Federal law as to the services to be covered, such agreement shall provide in effect that:

(1) Benefits will be provided for employees whose services are covered by the agreement (and their dependents and survivors) on the same basis as though such services constituted employment within the meaning of Title II of the Social Security Act;

(2) The State will pay to the Federal Agency, at such time or times as may be prescribed by the applicable Federal law or by regulation promulgated thereunder, contributions with respect to wages (as defined in section 2 of this Act), equal to the sum of the taxes which would be imposed by sections 1400 and 1410 of the Federal Insurance Contributions Act if the services covered by the agreement constituted employment within the meaning of that Act;

(3) Such agreement shall be effective with respect to services performed after a date specified therein but in no event be effective with respect to any service performed prior to January 1, 1951;

(4) All services which constitute employment as defined in section 2 and are performed in the employ of the State by employees of the State, shall be covered by the agreement; and

(5) All services which (A) constitute employment as defined in section 2, (B) are performed in the employ of a political subdivision or in the employ of an instrumentality of either the State or a political subdivision, and (C) are covered by a plan which is in conformity with the terms of the agreement and has been approved by the State Agency under section 5, shall be covered by the agreement.

(b) Interstate Agreements. The State Agency is hereby authorized to enter on behalf of the State into an agreement consistent to the extent practicable with the terms and provisions of subsection (a) and other provisions of this Act, with the appropriate agency or agencies of any other State or States and with the Federal Agency, whereby the benefits of the Federal old-age and survivors insurance system shall be extended to employees of any instrumentality jointly created by this State and such other State or States.

Section 4. Contributions by State Employees. (a) Every employee of the State whose services are covered by an agreement

entered into under section 3 shall be required to pay for the period of such coverage, into the Contribution Fund established by section 6, contributions, with respect to wages (as defined in section 2 of this Act), equal to the amount of tax which would be imposed by section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act. Such liability shall arise in consideration of the employee's retention in the service, or his entry upon such service, after the enactment of this Act.

(b) The contribution imposed by this section shall be collected by the State by deducting the amount of the contribution from wages as and when paid, but failure to make such deduction shall not relieve the employee from liability for such contribution.

(c) If more or less than the correct amount of the contribution imposed by this section is paid or deducted with respect to any remuneration, proper adjustments, or refund if adjustment is impracticable, shall be made, without interest, in such manner and at such times as the State Agency shall prescribe.

Section 5. Plans for Coverage of Employees of Political Subdivisions and of State and Local Instrumentalities. (a) Each political subdivision of the State and each instrumentality of the State or of a political subdivision is hereby authorized to submit for approval by the State Agency a plan for extending the benefits of Title II of the Social Security Act, in conformity with applicable Federal law, to employees of any such political subdivision or instrumentality. Each such plan or any amendment thereof shall be approved by the State Agency if it finds that such plan, or such plan as amended, is in conformity with such requirements as are provided in regulations of the State Agency, except that no such plan shall be approved unless—

(1) It is in conformity with the requirements of the applicable Federal law and with the agreement entered into under section 3.

(2) It provides that all services which constitute employment as defined in section 2 and are performed in the employ of the political subdivision or instrumentality by any employees thereof, shall be covered by the plan;

(3) It specifies the source or sources from which the funds necessary to make the payments required by paragraph (1) of subsection (c) and by subsection (d) are expected to be derived and contains reasonable assurance that such sources will be adequate for such purpose;

(4) It provides for such methods of administration of the plan by the political subdivision or instrumentality as are found by the State Agency to be necessary for the proper and efficient administration of the plan;

(5) It provides that the political subdivision or instrumentality will make such reports, in such form and containing such information, as the State Agency may from time to time require,

and comply with such provisions as the State Agency or the Federal Agency may for time to time find necessary to assure the correctness and verifications of such reports; and

(6) It authorizes the State Agency to terminate the plan in its entirety, in the discretion of the State Agency, if it finds that there has been a failure to comply substantially with any provision contained in such plan, such termination to take effect at the expiration of such notice and on such conditions as may be provided by regulations of the State Agency and be consistent with applicable Federal law.

(b) The State Agency shall not finally refuse to approve a plan submitted under subsection (a), and shall not terminate an approved plan, without reasonable notice and opportunity for hearing to each political subdivision or instrumentality affected thereby.

(c) (1) Each political subdivision or instrumentality as to which a plan has been approved under this section shall pay into the Contribution Fund, with respect to wages (as defined in section 2 of this Act), at such time or times as the State Agency may by regulation prescribe, contributions in the amounts and at the rates specified in the applicable agreement entered into by the State Agency under section 3.

(2) Every political subdivision or instrumentality required to make payments under paragraph (1) of this subsection is authorized, in consideration of the employee's retention in, or entry upon, employment after enactment of this Act, to impose upon its employees, as to services which are covered by an approved plan, a contribution with respect to wages (as defined in section 2 of this Act), not exceeding the amount of tax which would be imposed by section 1400 of the Federal Insurance Contributions Act if such services constituted employment within the meaning of that Act, and to deduct the amount of such contribution from the wages as and when paid. Contributions so collected shall be paid into the Contribution Fund in partial discharge of the liability of such political subdivision or instrumentality under paragraph (1) of this subsection. Failure to deduct such contribution shall not relieve the employee or employer of liability therefor.

(d) Delinquent payments due under paragraph (1) of subsection (c) may, with interest at the rate of 6 per centum per annum, be recovered by action in a court of competent jurisdiction against the political subdivision or instrumentality liable therefor or shall, at the request of the State Agency, be deducted from any other moneys payable to such subdivision or instrumentality by any department or agency of the State.

Section 6. Contribution Fund. (a) There is hereby established a special fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited in such fund:

(1) all contributions, interest, and penalties collected under

sections 4 and 5; (2) all moneys appropriated thereto under this Act; (3) all moneys paid to the State pursuant to any agreement entered into under section 3 (b) of this Act; (4) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (5) interest earned upon any moneys in the fund, and (6) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Act, the State Agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof consistent with the provisions of this Act.

(b) The Contribution Fund shall be established and held separate and apart from any other funds or moneys of the State and shall be used and administered exclusively for the purpose of this Act. Withdrawals from such fund shall be made for, and solely for (A) payment of amounts required to be paid to the Federal Agency pursuant to an agreement entered into under section 3; (B) payment of refunds provided for in section 4 (c) of this Act; and (C) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(c) From the Contribution Fund the Custodian of the Fund shall pay to the Federal Agency such amounts and at such time or times as may be directed by the State Agency in accordance with any agreement entered into under Section 3 and applicable Federal law.

(d) The Treasurer of the State shall be ex-officio treasurer and custodian of the Contribution Fund and shall administer such fund in accordance with the provisions of this Act and the directions of the State Agency and shall pay all warrants drawn upon it in accordance with the provisions of this section and with such regulations as the State Agency may prescribe pursuant thereto.

(e) (1) There is appropriated annually to the Contribution Fund, in addition to the contributions collected and paid into the Contribution Fund under sections 4 and 5, to be available for the purposes of section 6 (b) and (c) until expended, such additional sums as are found to be necessary in order to make the payments to the Federal Agency which the State is obligated to make pursuant to an agreement entered into under section 3.

(2) The State Agency shall submit to each regular session of the State legislature, at least ninety days in advance of the beginning of such session, an estimate of the amounts appropriated to the Contribution Fund by paragraph (1) of this subsection for the next appropriation period.

Section 7. Administrative Appropriation. For the purpose of Administering the provisions of this Act the legislature hereby appropriates from the State Treasury such sum as may be necessary therefor, but not exceeding in any event the sum of \$5000.

Section 8. Rules and Regulations. The State Agency shall make and publish such rules and regulations, not inconsistent with the provisions of this Act, as it finds necessary or appropriate to the efficient administration of the functions with which it is charged under this Act.

Section 9. Studies and Reports. The State Agency shall make studies concerning the problem of old-age and survivors insurance protection for employees of the State and local governments and their instrumentalities and concerning the operation of agreements made and plans approved under this Act and shall submit a report to the legislature at the beginning of each regular session thereof, covering the administration and operation of this Act during the two preceding fiscal years, including such recommendations for amendments to this Act as it considers proper.

Section 10. Severability. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Repealer. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 12. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved November 1, 1950.

Time 11:25 A. M.

Act No. 49

H. 28—Coburn

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary and corporate limits of the City of Tuscumbia in Colbert County are hereby altered, rearranged and extended so that all of the lands embraced within the following boundaries are within the corporate limits of such municipality:

A tract of land lying and being in Colbert County, State of Alabama in the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 7, Township 4, South, Range 11, West; and in Section 8, Township 4, South, Range 11, West, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and that part lying West of the present city limits of the City of Tuscumbia,

Alabama, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 8, all lying in Colbert County.

The above lands embrace the following subdivisions:

"Valdosta"

"Part of Valdosta, Addition One"

"Part of Resurvey of Lot 220, Valdosta Addition One"

The above lands are more particularly described as follows:

Beginning at the NW corner of the SW $\frac{1}{4}$ of Section 8, Township 4, South, Range 11, West, said point being a point on the existing city limits of the City of Tuscumbia, Alabama; thence South 3 degrees and 14 minutes, East 1318.56 feet to the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, Township 4, South, Range 11, West; thence South 87 degrees and 21 minutes, West, 2615 feet to the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 7; thence South 3 degrees and 14 minutes East 1318.56 feet to the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 7; thence North 87 degrees and 21 minutes East 2615 feet to the SE corner of said Section 7; thence North 87 degrees and 21 minutes East 628.49 feet to the center line of Old Lee Highway, being also a point on the present city limits of the City of Tuscumbia, Alabama; thence North 29 degrees and 59 minutes East 3126.38 feet, along the present city limit of the City of Tuscumbia, Alabama; thence South 87 degrees and 27 minutes West, 2341.35 feet to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Nov. 1, 1950.

Time 12:01 P. M.

Act No. 50

H. 45—White (Covington)

AN ACT

To impose extra, new and additional duties upon the President and associate members of the Board of Revenue of Covington County; to require an additional regular meeting of said board during each month; and to provide a monthly sum in payment of expenses for the performance of such extra duties and attendance upon said additional regular meeting.

Be It Enacted by the Legislature of Alabama:

Section 1:

It shall be the duty of the president and of each associate member of the Board of Revenue of Covington County, when requested by the county health officer, or without such request as such president or associate member deems proper, to inspect private or public premises in Covington County for the purpose of determining the presence of rodents or other carriers of disease and to discover the existence of any condition detrimental to the health

of the people. Such inspections shall be made to the end that the Board may determine how much financial aid the county shall give in the execution of health programs recommended by the county health officers of Covington County.

Section 2:

In addition to the single regular meeting required each month by the provisions of section 15, Act No. 22, Local Acts of 1945, p. 23, as said act was amended by Act No. 533, Local Acts of 1949, p. 844, said Board shall meet in regular session for the transaction of business on the last day of each month, but if said day is on Sunday, then said meeting shall be on the day next to the last day of the month.

Section 3:

In payment of expenses incident to the performance of the extra duties imposed by Section 1 hereof and incurred in attending the additional meeting provided herein, the president and each associate member of the Board shall receive the sum of \$50.00 monthly, to be paid from the General Fund of the County by warrant issued by its Board and signed by the President.

Section 4:

This act shall become effective immediately upon its passage and approval by the Governor.

Approved November 1, 1950.

Time 12:05 P. M.

Act No. 51

H. 47—Coburn

AN ACT

Relating to Colbert County, Alabama: To abrogate and abolish the criminal jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, and to provide for proceedings of such causes in the Colbert Law and Equity Court of Colbert County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, including preliminary jurisdiction, in all criminal causes be and the same is hereby abrogated and abolished.

Section 2. Justices of the peace and notaries public ex-officio justices of the peace are hereby prohibited from having, assuming or considering any criminal causes whatsoever, including bastardy.

Section 3. The Colbert Law and Equity Court of Colbert County, Alabama, shall have and assume jurisdiction of all criminal causes both final and preliminary, including bastardy, which have heretofore been vested in courts of justices of the peace and notaries public ex-officio justices of the peace.

Section 4. All criminal causes pending at the effective date of this act in courts of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, shall proceed to judgment in such courts in the manner provided by law before the effective date of this act.

Section 5. Be it further enacted that any violation by any justice of the peace or notary ex-officio justice of the peace in Colbert County, Alabama, of any of the provisions of this act is a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and not exceeding \$500.00 and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than twelve months.

Section 6. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved Nov. 1, 1950.
Time 12:06 P. M.

Act No. 52

H. J. R. 25—Molette

HOUSE JOINT RESOLUTION

Be it resolved by the House of Representatives, the Senate concurring, That Senate Bill No. 55 be known as the Quarles, Molette, Givhan, and Hardy Bill.

Approved Nov. 1, 1950.
Time 12:08 P. M.

Act No. 53

H. 14—Ingalls

AN ACT

Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of forty thousand five hundred dollars (\$40,500.00), for the fiscal year 1950-51, is hereby appropriated to the use of the Department of Examiners of Public Accounts, for the payment of salaries and other expenses, and the appropriations herein made are in addition to all other appropriations heretofore or hereafter made.

Section 2. This Act shall become effective October 1, 1950.

Approved Nov. 1, 1950.
Time 12:30 P. M.

AN ACT

To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, as herein provided, may levy, in addition to all other taxes of every kind now imposed by law, and may collect as herein provided, an additional, special privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates, against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except

where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1%) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1%) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d) The tax which may be levied hereunder shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof.

Section 2. The taxes which may be levied, together with the interest and penalties which may be imposed under the authority of this act, shall be a lien upon the property of any person, firm or corporation due said taxes to the City of Selma, Alabama, and all of the provisions of the Revenue Laws of the State of Alabama applying to or with reference to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of the taxes which may be levied hereunder.

Section 3. The taxes which may be levied hereunder shall constitute a debt due the City of Selma for the uses and purposes authorized herein and may be collected by civil suit in addition to the methods provided by law or herein otherwise provided.

Section 4. The taxes which may be levied hereunder shall be collected by and paid to the Treasurer of the City of Selma, Alabama in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State sales taxes under Section 752 through Section 786, Article Ten of Chapter 20 of Title 51 of the Code of Alabama as to such taxes which may be levied hereunder, shall be made to the Treasurer of the City of Selma, Alabama, in his official capacity, and, as to the taxes which may be levied hereunder, the said Treasurer of the City of Selma, Alabama shall have and exercise the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Section 752 through Section 786 and by Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama; and amendments thereto as to State taxes therein levied.

There may be deducted out of the proceeds of said taxes such reasonable expenses for clerk hire and other expenses incurred by the Treasurer of the City of Selma, Alabama in the collection, handling and disbursing of said monies as may be approved by the governing body of the City of Selma, Alabama.

Section 5. The taxes which may be imposed hereunder shall be in addition to all other licenses and taxes which may be levied by the City of Selma, Alabama and a condition precedent to engaging in any business which may be taxable hereunder in the City of Selma, Alabama, except as herein otherwise specifically provided.

Section 6. The taxes which may be levied hereunder shall be due and collected at the times and in the manner as set out in Section 752 through Section 786 and in Article Ten of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of said Code of Alabama, and amendments thereto, are given hereby to the City of Selma, Alabama and to the Treasurer of the City of Selma, Alabama, for the use of the City of Selma, Alabama, as to the taxes which may be levied hereunder, except as herein otherwise specifically provided.

Section 7. Every person, firm or corporation, association or co-partnership engaged in or continuing within the City of Selma, Alabama in the business for which a license or privilege tax may be required under the authority of this act shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds, of which there shall be levied by the

City of Selma under the authority of this act a sales tax at the rate of one per cent (1%) an amount equal to the following: No amount on sales of thirty cents (30c) or less; one cent (1c) on sales of thirty-one cents (31c) and over, but not in excess of One Dollar thirty cents (\$1.30); one cent (1c) additional for each One Dollar (\$1.00) or fraction thereof in excess of One Dollar thirty cents (\$1.30), provided, however, that upon all sales the gross receipts or gross proceeds of which shall be taxed by the City of Selma under the authority of this act at the rate of one-fourth ($\frac{1}{4}$) of one per cent (1%), there shall be added to the sales price and collected from the purchaser by such person, firm, corporation, association or co-partnership described in this act, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1%) of such sales price. It shall be unlawful for any person, firm, corporation, association or co-partnership described in this act to fail or refuse to add to the sales price and collect from the purchaser the amount authorized to be levied by this act to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association or co-partnership who shall violate any of the provisions of this act shall be guilty of a misdemeanor against the City of Selma, Alabama and, upon conviction, shall be fined by the Recorder of the City of Selma, Alabama in a sum of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, or may be imprisoned in the City Jail for not more than six (6) months or by both such fine and imprisonment, and each act and violation of the provisions of this section shall constitute a separate offense. The provisions of this section that there shall be added to the sales price and collected from the purchaser by the City of Selma, Alabama the amounts provided herein shall in no way relieve the person, firm, corporation, association or co-partnership described in this act of the tax which may be levied by the City of Selma, Alabama under the authority of this Act; nor shall the inability, impracticability, refusal or failure to add to the sales price and collect from the purchaser the amounts provided herein relieve such person, firm, corporation, association or co-partnership from the tax which may be levied by the City of Selma, Alabama under the authority of this act.

Section 8. (a) Seventh-five per cent (75%) of the net revenues arising from the taxes which may be levied by the City of Selma, Alabama under the authority of this act shall be allocated and used exclusively for public school purposes in the City of Selma, and to include the maintenance and operation of public schools and the construction and improvement of public school buildings and grounds and the payment of the salaries of teachers

and other school employees, and the purchase of lands to be used for public school purposes.

(b) Twenty-five per cent (25%) of the net revenues arising from said taxes shall be allocated and used exclusively for constructing, maintaining, repairing, operating, expanding and improving the storm water drainage system of said city in said city.

(c) The City of Selma shall have the right and authority to use the net revenues which arise from said taxes under the authority of this act to the payment of indebtedness contracted by the City for public school purposes, including the maintenance and operation of public schools and the construction and improvement of public school buildings and grounds and the payment of the salaries of teachers and other school employees, and the purchase of lands to be used for public school purposes, and also for constructing, maintaining and repairing, operating and improving the storm water drainage system of said city in said city, or to any one or more of these purposes, in the proportions allocated and provided in Section 8 (a) and Section 8 (b) of this act.

Section 9. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall fail to make the reports or any of them, as required, or who shall fail to keep the records as required, shall be guilty of a misdemeanor against the City of Selma and, upon conviction, shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense, and each month of such failure shall constitute a separate offense.

Section 10. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall willfully refuse to make the reports as required by said city, or who shall refuse to permit the examination of his records by the City of Selma, or its duly authorized agents, shall be guilty of a misdemeanor against the City of Selma, and, upon conviction, shall be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense and, in addition, may be imprisoned in the City Jail for a period of not to exceed six (6) months. Each month of failure to make such reports shall constitute a separate offense and each refusal of a written demand of the City of Selma to examine, inspect or audit such records shall constitute a separate offense.

Section 11. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall violate any of the provisions of such legislation may be restrained by the City of Selma from continuing in business and the proper prosecution shall be instituted in the name of the City of Selma by its City Attorney

until such person shall have complied with the provisions of such legislation.

Section 12. Before any tax is levied under the authority of this act, the governing body of said city shall first submit the question as to whether or not such tax shall be levied, the length of time it shall run, not exceeding twenty (20) years, and the rate of the tax, to the qualified electors of said city at an election, which said election shall be called in the following manner: The governing body of said city shall pass a resolution reciting that, in the opinion of said governing body, it is to the interest of said city that such taxes shall be levied for the purposes authorized in this act and calling upon the Mayor and Clerk of said city, in their official capacities, to call an election for the purpose of submitting to the qualified electors of said city the question as to whether or not the taxes authorized hereunder shall be levied, stating the rates proposed and the time which the said taxes shall run. Upon such certificate said Mayor and Clerk of said city shall by proclamation, call an election, which proclamation shall be in substance as follows: "To the Electors of the City of Selma, Alabama: The City Council of the City of Selma, Alabama having passed a resolution reciting that it is to the interest of the City of Selma that an additional, special privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, shall be levied as follows: (a) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or

association be denominational, a state, a county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1%) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1%) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d) That the tax which may be levied shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof, for a period of twenty (20) years, and which said resolution requests the undersigned officials to call an election to submit to the qualified electors the aforesaid proposition.

Now, therefore, an election be and is hereby called to be held at the regular polling places in the City of Selma, Alabama on the _____ day of _____, 19____, at which said election the question as to whether or not the said taxes shall be levied in said city shall be voted upon by the qualified electors of said city.

Witness our hands this the _____ day of _____, 19____.

As Mayor

As Clerk

”

Notice of said election shall be given by publication of the aforesaid proclamation once a week for four (4) consecutive weeks in any newspaper published in Dallas County, Alabama. The said election shall be held, conducted and canvass of the returns thereof made and certified in the same manner as elections for city officers. Except as herein otherwise provided, the general statute relating to the election for city officers shall govern in elections held hereunder. The Mayor of Selma shall cause ballots to be printed and distributed at such election, which said ballot shall be in substance as follows: “Shall an additional, special privilege or license tax against the person on account of the business activities in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be,

be levied as follows: (a) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1%) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1%) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d) The tax which may be levied shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof, for a period of twenty (20) years, commencing on the ____ day of _____, 19____", and under the said above writing shall appear on the left hand side the words "For said tax" with appropriate lines or

brackets marked "Yes", and on the right hand side the words "Against said Tax" with appropriate lines or brackets marked "No", and the person desiring to vote shall indicate his choice by marking a cross mark on the line or bracket opposite or under the words "Yes" or "No", whichever shall indicate his choice. The Mayor and Clerk of said city shall certify the results of said election to the City Council of said city and, if a majority voting at said election shall have voted for such tax, the said City Council may, at its next regular meeting after such certificate is received by it, impose said tax in the amounts and for the time submitted on the ballot.

Section 12. The City of Selma, Alabama may by proper legislation, in the event the taxes authorized to be levied hereunder are levied, allow a discount, not to exceed three per cent (3%) of said taxes and due and payable to said city by any person, firm or corporation licensed under the provisions hereof. Provided, however, that no discount shall be authorized or allowed upon any such taxes which are not paid before delinquency, as in this act provided.

Section 13. Should any section, paragraph or portion of this act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 14. This act shall go into effect immediately upon its passage and approval, or its otherwise becoming law.

Approved.

Approved Nov. 1, 1950.

Time 12:31 P. M.

Act No. 55

H. J. R. 28—Dumas

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives the Senate Concurring, that House Bill 62 be known as the Beck, Miller, Dumas, Burnside, Boutwell Bill.

Approved Nov. 1, 1950.

Time 12:32 P. M.

Act No. 56

H. J. R. 29—Wallace

HOUSE JOINT RESOLUTION

Be It Resolved by the House the Senate concurring that H. B. 34 be known and designated as the Wallace, Hardwick, Adams (Dale), Patton, Merrill, Kendall, White (Perry), Mize, Martin, Lovelace, Thomas and Brassell Bill.

Approved Nov. 1, 1950.

Time 12:35 P. M.

Act No. 57

H. 20—Beatty, Adams (Dale)

AN ACT

To authorize the Commissioner of Public Welfare to make or have made photographic reproductions of books, records, papers, or other documents required to be maintained or kept by the Department of Public Welfare or any subdivision thereof; and to authorize the Commissioner to dispose of any such books, records, papers, or other documents so photographed; and to provide that such photographs shall be retained in lieu of such documents; to provide that such photographic reproductions shall have the force and effect of the documents themselves, and to provide for the admission as evidenced by duly certified photostatic copies or other copies of the original microfilms, photostats, or other similar photographs; to provide for the repeal of all laws in conflict with this act; and to provide for the severability of the provisions of this act in the event that any part is declared to be null or void; and to provide the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of Public Welfare of the State of Alabama is authorized to make or to have made microfilm copies, photostatic copies, or other similar photographic reproductions of all books, records, papers, or other documents required to be maintained or kept by the Department of Public Welfare or any agency, division, or employee thereof. The Commissioner of Public Welfare is authorized to destroy or cause to be disposed of any books, records, papers, or other documents which have been microfilmed, photostated, or otherwise photographed. Such microfilms, photostats, or other photographs shall be retained and kept in lieu of such books, records, papers, or documents required to be kept or maintained.

Section 2. Such microfilm copies, photostatic copies, or other similar photographic reproductions of such above named documents shall for all purposes be deemed to be and have the force and effect of such documents themselves. A photostatic copy, or photographic reproduction, or other similar photographed type-written copies or other copies of such original microfilm copy, photostatic copy or other similar photographic reproduction of such documents shall be duly certified to by the officer having custody of such original microfilm copy, photostatic copy, or other similar photographic reproduction in the Department of Public Welfare and must be received as evidence in all courts in the same manner and to the same extent as would be the duly certified copy of such documents themselves.

Section 3. It is hereby declared to be the legislative intent to permit the Commissioner of Public Welfare to dispose of any books, records, papers, or any other documents required by law to be kept or maintained by the Department of Public Welfare in the event that photographic reproduction of such books, records, papers, or other documents are made or caused to be made by such Commissioner, and to give such photographic reproduction the

same force and effect as the book, record, paper, or other document which has been so photographed and disposed of.

Section 4. All laws or parts of laws in conflict herewith are hereby repealed. In the event that any section, clause, sentence, or part of this Act is declared to be null or void, it is hereby declared to be the legislative intent that the remaining portion of this Act shall have full force and effect.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Nov. 1, 1950.

Time 12:40 P. M.

Act No. 58

H. 22—Beck

AN ACT

To amend Section 661 of Title 7 of the Code of Alabama (1940), which relates to the homestead exempted from administration and the payment of debts in favor of the widow and minor child or children; making the amendment retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 661 of Title 7 of the Code of Alabama (1940) is amended to read as follows: "The homestead of any resident of this state, leaving surviving him at his death a widow and minor child or children, or either, with the improvements and appurtenances not exceeding in value two thousand dollars, and in area one hundred and sixty acres, shall be exempt from administration and the payment of the debts in favor of such widow and minor children, or either, in any event, during the life of the widow, or the minority of the child or children, whichever may last terminate; and the rents and profits of such homestead, if there be a widow and no minor child, shall inure to her benefit during her life; or if there be a minor child or children, and no widow, then to the benefit of such child, or children, during minority; or if there be both widow and minor child or children, then to their equal benefit during the life of the widow and the minority of the child or children. Such homestead may be retained by the widow or minor child or children, until it is ascertained whether the estate is solvent or insolvent; and if the estate is insolvent, it shall vest in them absolutely, and it shall not be sold or partitioned by order of any court until the death of the widow and the youngest child is of age, except by the order of the circuit court in equity, for reinvestment, with the consent of the widow, in writing, if living, or by the Circuit Court in Equity for a division of the proceeds of the sale among the joint owners thereof if the court deems that to be to the best interest of the widow and minor child or children."

Approved Nov. 1, 1950.

Time 12:42 P. M.

AN ACT

To amend Section 1 of Act No. 301, S. 222, approved August 14, 1947, which Act makes annual appropriations to provide old age assistance to certain retired school teachers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act. No. 301, S. 222, approved August 14, 1947, entitled "An Act To make an annual appropriation to provide old age assistance to any teacher who served a minimum of thirty years as a teacher in the public schools of Alabama and who had attained age sixty as of the date of establishment of the teachers' retirement system, September 1, 1941, and who is not and never has been eligible for membership in the teachers' retirement system, and to provide a supplement to the retirement benefit of any teacher who is or will be retired under the provisions of Chapter 14 of Title 52 of the Code of Alabama of 1940 as amended by Act 61 approved June 1, 1943, and who is not entitled under the provisions of said chapter to receive a benefit in excess of \$50.00 per month; to set forth the requirements under which said assistance payments shall be granted and to provide for the management of the fund appropriated by this act," is amended to read as follows:

"There is hereby appropriated for each fiscal year, from moneys in the state treasury to the credit of the Alabama Special Education Trust Fund, the sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, for the following uses and purposes and not otherwise, to wit: (1) For the payment of an annual benefit in equal monthly installments as old age assistance to any teacher who served a minimum of thirty years as a teacher in the public schools of Alabama, who had attained age sixty as of the date of establishment of the teachers' retirement system, September 1, 1941, and who is not and never has been eligible for membership in the teachers' retirement system; and provided further that any teacher who served a minimum of thirty years prior to September 1, 1941 and whose employment as a teacher was terminated by reason of physical or mental disability prior to September 1, 1941 shall be eligible to qualify for the benefits as defined in this act upon attaining the age of sixty years upon the approval by the medical board of the retirement system of the application of such disabled teacher; and (2) to provide a supplement payable in equal monthly installments to the retirement allowance of any teacher who is now or will be retired by the board of trustees of the teachers' retirement system under the provisions of Chapter 14 of Title 52 of the Code of Alabama of 1940, as amended by Act 61, approved June 1, 1943, with thirty years or more of creditable service as a teacher, provided that the retirement allowance of such member plus the supplement payable under this act shall not exceed fifty dollars (\$50.00) per month."

Section 2. This Act shall become effective October 1, 1951.
 Approved Nov. 1, 1950.
 Time 12:48 P. M.

Act No. 60

H. J. R. 32—Wallace

HOUSE JOINT RESOLUTION

Be it Resolved By the House, Senate Concurring that H. B. No. 36 be named Wallace, Mize, Fite, Patton Bill.

Approved Nov. 1, 1950.
 Time 1:10 P. M.

Act No. 61

H. J. R. 33—Beck

HOUSE JOINT RESOLUTION

Be it resolved by the House the Senate Concurring that House Bill No. 61 be known as the Beck-Burnside bill.

Approved Nov. 1, 1950.
 Time 1:15 P. M.

Act No. 62

H. 15—Ingalls

AN ACT

To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Chief Examiner of Public Accounts, with the approval of the Attorney General, shall be authorized, subject to the provisions of the State Merit System Law, to appoint a legal counsel for the Department of Examiners of Public Accounts.

Section 2. The legal counsel for the Department of Examiners of Public Accounts must be at least thirty years of age, of good character, learned in the law, and be qualified by training and experience to perform the duties of his office. He shall be commissioned as an assistant attorney general and shall have the authority and duties of an assistant attorney general, but he shall devote his entire time to the business of the Department of Examiners of Public Accounts.

Section 3. There is hereby appropriated, of any funds in the state treasury not otherwise appropriated, such sum or sums as may be necessary to pay the salary of the department's counsel.

Section 4. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Nov. 1, 1950.

Time 12:50 P. M.

Act No. 63

S. 49—Boutwell

AN ACT

To make an appropriation for the painting of the exterior of the State capitol.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State treasury not otherwise appropriated the sum of nine thousand three hundred forty-five dollars (\$9,345) for the purpose of painting the exterior of the State capitol in accordance with the specifications now on file in the office of the Chief of the Division of Service of the Department of Finance.

Section 2. The painting project shall be under the supervision of the Chief of the Division of Service and the Comptroller shall draw a warrant for the amount of the appropriation herein made upon the requisition of the Chief of the Division of Service and his certification that the work has been satisfactorily completed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Nov. 3, 1950.

Time 2:12 P. M.

Act No. 64

H. 72—Wallace, Coburn, Merrill, Roberts,
Harris, Givhan

AN ACT

To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

Be It Enacted by the Legislature of Alabama:

Section 1. The salaries of the State Auditor, the Secretary of State and the State Treasurer shall each be increased by \$1200.00 per annum so that the total salaries of each shall be the sum of \$6,000.00 per annum; said additional \$1200.00 per annum to be paid as the salaries of other state officers are paid. Said increases

are to take effect upon the expiration of the term of office of the present incumbants thereof.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved Nov. 3, 1950.
Time 2:08 P. M.

Act No. 65

H. 81—O'Neal

AN ACT

To create a Board of Revenue for Jackson County; providing its powers and duties and for the compensation of its members; providing for the employment of a Supervisor of Roads; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. A Board of Revenue of Jackson County is hereby created. The Court of County Commissioners of Jackson County is abolished.

Section 2. Until the first Monday after the second Tuesday in January, 1953, the Jackson County Board of Revenue shall consist of the four incumbent members of the Jackson County Court of County Commissioners and the Probate Judge of Jackson County, who shall serve as chairman of the Board. As members and chairman of the Board of Revenue, such incumbent members of the Court of County Commissioners and the Probate Judge shall receive the same compensation as they now receive as judges of the Court of County Commissioners.

Section 3. At the general election in November, 1952, and every four years thereafter, the qualified electors of Jackson County shall elect from the county at large a chairman of the Board of Revenue and a member of the Board of Revenue for each of the four commissioners' districts in the county as they are now constituted. A candidate for chairman of the Board must be a qualified elector and legal resident of Jackson County. Each candidate for associate member of the Board must be a qualified elector and legal resident of the district which he seeks to represent. The chairman and members of the Board shall assume office the first Monday after the second Tuesday in January, 1953, and every four years thereafter. They shall hold office for a term of four years and until their successors are elected and qualified. The chairman shall be paid a monthly salary not to exceed two hundred fifty dollars (\$250) per month, to be paid from the county treasury, the exact amount to be fixed by the Board, and he shall receive no other compensation except as may be specifically provided herein. Each member of the Board shall

receive ten dollars (\$10) for each day's service, not to exceed forty dollars (\$40) per month, and travel expenses of five cents per mile travelled in attending regular and special meetings of the Board.

Section 4. The chairman and each member of the Board shall, before entering upon the duties of his office, take the statutory oath of office and make and file with the Judge of Probate a bond, with good and sufficient sureties, payable to Jackson County, and conditioned upon the faithful performance of the duties of his office. The bond of the chairman is hereby fixed at five thousand dollars (\$5,000); the bond of each other member shall be one thousand dollars (\$1,000). In the case of a vacancy on the Board, such vacancy shall be filled by appointment by the Governor for the unexpired term. Neither the chairman nor any member of the Board shall hold any other remunerative public office.

Section 5. The Board shall hold regular meetings on the fourth Monday in each month, remaining in session as many days as may be necessary, and may hold special meetings at the call of the chairman. Meetings of the Board shall be held at the Jackson County Courthouse. Action in the name and under the authority of the Board may be taken by a majority of the Board present and voting at any regular or special meeting, provided at least a quorum is in attendance. A quorum shall consist of the chairman and two members or three members other than the chairman.

Section 6. The Board shall have the same powers, duties, limitations, and responsibilities, insofar as they are consistent with other provisions of this act, as have courts of county commissioners. It shall be the further duty of the Board to publish before the fifteenth day of each month, in some newspaper published in the county, an itemized statement of the receipts and disbursements of all funds of Jackson County during the preceding month and the balances remaining in each fund at the close of the month. Such itemized statement shall show each item paid and shall indicate to whom and for what purpose each item was paid. The compensation paid for the publication of such itemized statement shall not exceed one-and-one-half cents per word. If the Board shall refuse to publish the itemized statement, each member thereof, including the chairman, who votes against the publication shall be subject to a penalty of fifty dollars (\$50). If the Board otherwise fails without good cause to publish the itemized statement, each member thereof, including the chairman, shall be subject to a penalty of one hundred dollars (\$100) for each such failure. Such penalties shall be collected upon suit brought by the circuit or county solicitor in the name of the county.

Section 7. The Board shall obtain written, sealed, competitive bids for all purchases of supplies, material, equipment and contractual services when the amount involved is \$100.00, or more.

Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least five calendar days before the final date for submitting bids. Bids shall be opened publicly by the Board at a time and place stated in the invitations. The Board shall award the purchase to the lowest responsible bidder, or reject all bids and renegotiate the purchase if the public interests will be served thereby. In the event of an emergency making it necessary that supplies, material, equipment, or contractual services be purchased immediately, the invitation for bids may be dispensed with and the necessary items or services may be purchased on the open market. However, in no event shall the price paid for supplies, material, or equipment purchased by, or on the behalf of the Board exceed the price at which the same property could be purchased through the Division of Purchases and Stores of the State Department of Finance. To create a binding contractual obligation on the part of the Board a purchase made by or on the behalf of the Board must have the approval of the Board prior to the actual consummation of the purchase, which must appear in the minutes of the Board. In the event of an emergency necessitating an immediate purchase it will be sufficient to make the purchase binding upon the Board if the purchase is made by an authorized person, if the purchase meets all other requirements of this section, and if a detailed, written report of the purchase is filed with the Board within three days after the purchase is made. Neither the chairman nor any member of the Board, nor any employee of Jackson County shall be directly or indirectly interested in any purchase, contract for purchase, or lease of personal property made by or on behalf of Jackson County.

Section 8. After the first Monday following the second Tuesday in January, 1953, the chairman of the Board shall be required to give his entire time and attention to the business of the Board. He shall sign all warrants or orders for disbursements of money from the county treasury. It shall be the duty of the chairman to receive and prepare the business of, and to obtain information for meetings of the Board for the purpose of dispatching the work of the Board. The chairman shall see to the execution of all orders of the Board and after the first Monday following the second Tuesday in January, 1953, he shall personally keep the books and records of the Board. He shall enter the minutes of all proceedings of the Board in a well-bound book, which shall be provided for that purpose, within five days from the adjournment of every regular or special meeting. The minute book shall be kept in the office of the Board and shall be open to public inspection at all reasonable hours. The chairman of the Board shall keep a complete record of all receipts and disbursements of county funds and must be prepared at all times to show the exact financial condition of the county. After the first Monday following the second Tuesday in January, 1953, the chairman of the Board shall not employ a bookkeeper or other clerical assistant.

Section 9. The Board must within 30 days after passage of this Act employ a Supervisor of Roads and Bridges for Jackson County, subject to the confirmation of the members of the Alabama House of Representatives from Jackson County and the State Senator from the Fifth Senatorial District. The Supervisor shall receive a salary to be determined by the Board not to exceed three hundred dollars (\$300) per month, and in addition thereto he shall be paid five cents per mile plus his actual expenses while travelling on official business. The Board may discharge the Supervisor for cause and with the approval of the members of the Alabama House of Representatives from Jackson County and the State Senator from the Fifth Senatorial District. The Supervisor shall have the duty of supervising the constructing, repairing, and maintaining of roads and bridges in the county. He must have had not less than three years of practical experience in road building and he must be qualified otherwise to perform the work of his office. He shall have complete charge of the road and bridge employees of the county, including their selection, compensation, supervision and dismissal. No person employed by the Supervisor shall be related to him or the chairman or any member of the Board within the third degree of consanguinity, computed by the rules of civil law, by blood or marriage. Should the Supervisor employ any such relative he shall be guilty of a misdemeanor and, on conviction, shall be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500). The Supervisor shall give such bond as the Board may require and shall be responsible to the Board for his actions. The Supervisor shall advise the Board in regard to the purchase, lease, or contract for, of all machinery, material, supplies, and equipment necessary in the discharge of his responsibility for the roads and bridges of Jackson County and he shall be charged with the care and maintenance of such machinery, material, supplies, and equipment. All changes in roads and bridges in the county must be approved by the Board.

Section 10. The chairman of the Board shall, from time to time, inspect the roads and bridges of Jackson County and, with the advice and assistance of the members of the Board, generally supervise the work done thereon. For such inspection and supervision, he shall be paid reasonable expenses approved by the Board.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 12. All laws or parts of laws in conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Nov. 4, 1950.

Time 2:00 P. M.

ROSTER OF THE SENATE OF ALABAMA

Special Sessions 1950

J. C. Inzer, <i>Lieutenant Governor</i>	Gadsden
J. Bruce Henderson, <i>President Pro-Tem</i>	Miller's Ferry
J. E. Speight, <i>Secretary</i>	Montgomery
T. L. Austin, <i>Assistant Secretary</i>	Wetumpka
H. A. Thompson, <i>Enrolling-Engrossing Clerk</i>	Birmingham
J. G. Watkins, <i>Doorkeeper</i>	Clayton
First Senatorial District—Lauderdale and Limestone Counties.	
David U. Patton.....	P. O. Box 366, Athens
Second Senatorial District—Lawrence and Morgan Counties.	
Noble J. Russell.....	809 Oak St., Decatur
Third Senatorial District—Blount, Cullman and Winston Counties.	
C. B. Harvey.....	Oneonta
Fourth Senatorial District—Madison County.	
R. J. Lowe.....	Huntsville
Fifth Senatorial District—Jackson and Marshall Counties.	
C. L. Weathers.....	Boaz
Sixth Senatorial District—Etowah and St. Clair Counties.	
James B. Allen.....	112 Court Street, Gadsden
Seventh Senatorial District—Calhoun County.	
Tom Blake Howle.....	401 South Noble St., Oxford
Eighth Senatorial District—Talladega County.	
Graham Wright.....	Talladega
Ninth Senatorial District—Chambers and Randolph Counties.	
Paul J. Hooton.....	Roanoke
Tenth Senatorial District—Elmore and Tallapoosa Counties.	
Broughton Lamberth.....	Alexander City
Eleventh Senatorial District—Tuscaloosa County.	
Henry H. Mize.....	407-10 Alston Bl., Tuscaloosa
Twelfth Senatorial District—Fayette, Lamar and Walker Counties.	
Fuller Kimbrell.....	Fayette
Thirteenth Senatorial District—Jefferson County.	
Albert Boutwell.....	720 Linwood Road, Birmingham

ROSTER OF THE SENATE OF ALABAMA—Continued

Fourteenth Senatorial District—Pickens and Sumter Counties.	
W. E. Barrett.....	Aliceville
Fifteenth Senatorial District—Autauga, Chilton and Shelby Counties.	
W. A. Gullledge.....	Verbena
Sixteenth Senatorial District—Lowndes County.	
C. Mac Golson.....	Fort Deposit
Seventeenth Senatorial District—Butler, Conecuh and Covington Counties.	
R. G. Kendall, Jr.....	Evergreen
Eighteenth Senatorial District—Bibb and Perry Counties.	
W. H. Cooper.....	Brent
Nineteenth Senatorial District—Choctaw, Clarke and Washington Counties.	
Ben N. Glover.....	Leroy
Twentieth Senatorial District—Marengo County.	
T. B. Perry.....	Linden
Twenty-first Senatorial District—Baldwin, Escambia and Monroe Counties.	
G. R. Swift.....	Atmore
Twenty-second Senatorial District—Wilcox County.	
J. Bruce Henderson.....	Miller's Ferry
Twenty-third Senatorial District—Dale and Geneva Counties.	
J. A. Hughes.....	Hartford
Twenty-fourth Senatorial District—Barbour County.	
Preston C. Clayton.....	Clayton
Twenty-fifth Senatorial District—Coffee, Crenshaw and Pike Counties.	
V. S. Summerlin.....	Luverne
Twenty-sixth Senatorial District—Bullock and Macon Counties.	
Forrest G. Bridges.....	Notasulga
Twenty-seventh Senatorial District—Lee and Russell Counties.	
A. L. Patterson.....	Phenix City
Twenty-eighth Senatorial District—Montgomery County.	
Silas D. Cater.....	819 Felder Ave., Montgomery
Twenty-ninth Senatorial District—Cherokee and DeKalb Counties.	
T. F. Burnside.....	Collinsville
Thirtieth Senatorial District—Dallas County.	
George P. Quarles.....	439 Lapsley St., Selma

ROSTER OF THE SENATE OF ALABAMA—Continued

Thirty-first Senatorial District—Colbert, Franklin and Marion
Counties.

Rankin Fite..... Hamilton

Thirty-second Senatorial District—Greene and Hale Counties.

James S. Coleman, Jr..... Eutaw

Thirty-third Senatorial District—Mobile County.

Thomas A. Johnston III..... First N. Bk. Bldg., Mobile

Thirty-fourth Senatorial District—Clay, Cleburne and Coosa
Counties.

John E. Gaither..... Heflin

Thirty-fifth Senatorial District—Henry and Houston Counties.

W. G. Hardwick..... P. O. Box 412, Dothan

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA**

Special Sessions 1950

OFFICERS

W. M. Beck, *Speaker*..... Fort Payne

R. T. Goodwyn, Jr., *Clerk*..... Montgomery

John F. Campbell, *Assistant Clerk*..... Heflin

J. W. Kirtland, *Engrossing and Enrolling Clerk*..... Montgomery

MEMBERS OF THE HOUSE

Autauga—G. M. Taylor..... Prattville

Baldwin—L. W. Brannan, Jr..... Foley

Barbour—Place No. 1—Sim A. Thomas..... Eufaula

Place No. 2—George C. Wallace..... Clayton

Bibb—J. Fred Wood..... Centerville

Blount—N. C. Denton..... Oneonta

Bullock—Place No. 1—C. D. Norman..... Union Springs

Place No. 2—J. A. Crook..... Union Springs

Butler—Place No. 1—T. Werth Thagard..... Greenville

Place No. 2—Earl M. McGowin..... Chapman

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Calhoun—Place No. 1—John W. Howell	Jacksonville
Place No. 2—Tarvey W. Bennett	R. F. D., Jacksonville
Chambers—Place No. 1—Roy W. McClendon	Shawmut
Place No. 2—A. A. Still	Lafayette
Cherokee—J. Monroe Mitchell	Rt. 1, Leesburg
Chilton—C. B. Cox	Clanton
Choctaw—Franklin C. Evans	Butler
Clarke—Place No. 1—John F. Gillis	Grove Hill
Place No. 2—Earl L. Tucker	Thomasville
Clay—E. E. Nelson	Lineville
Cleburne—Pelham J. Merrill	Heflin
Coffee—H. B. Larkins	Elba
Colbert—Paul Coburn	Rt. 1, Tuscumbia
Conecuh—James E. Nettles	Repton
Coosa—Geo. B. McDonald	Rockford
Covington—S. R. White	Red Level
Crenshaw—Ira B. Thompson	Luverne
Cullman—E. L. Buckner	Holly Pond
Dale—Jesse B. Adams	Ozark
Dallas—Place No. 1—Wm. P. Molette	Orrville
Place No. 2—Frank Hardy	Selma
Place No. 3—Walter C. Givhan	Safford
DeKalb—W. M. Beck	Fort Payne
Elmore—Place No. 1—Aubrey Hornsby	Eclectic
Place No. 2—Harley M. Dobbs	Tallassee
Escambia—Flournoy Lovelace	Brewton
Etowah—Place No. 1—E. L. Roberts	Gadsden
Place No. 2—Edward B. (Ed) Miller	Gadsden
Fayette—Miles C. Dobbs	Fayette
Franklin—Frank L. Haynes	Hodges
Geneva—Roland R. Faulk	Samson

**ROSTER OF THE HOUSE OF REPRESENTATIVES OF
ALABAMA—Continued**

Greene—W. L. Martin, Jr.	Eutaw
Hale—Place No. 1—H. A. Taylor	Greensboro
Place No. 2—Charles H. Ramey	Akron
Henry—Place No. 1—George T. Knight	Headland
Place No. 2—G. B. Mathison, Sr.	Abbeville
Houston—Wallace D. Malone	Dothan
Jackson—Place No. 1—John S. O'Neal	Paint Rock
Place No. 2—Horace T. Armstrong	Scottsboro
Jefferson—	
James G. Adams, Jr.	421 Massey Bldg., Birmingham
William Henry Beatty	1038 Brown-Marx Bldg., Birmingham
Lawrence Dumas, Jr.	331 Frank Nelson Bldg., Birmingham
Wallace Gibson	927 Frank Nelson Bldg., Birmingham
Hugh Kaul	1604 First National Bldg., Birmingham
J. Paul Meeks	319 Frank Nelson Bldg., Birmingham
Will H. Sadler, Jr.	1316 Comer Bldg., Birmingham
Lamar—Jack Hankins	Vernon
Lauderdale—Place No. 1—Mims Rogers	Florence
Place No. 2—William A. (Bill) Barnett	Florence
Lawrence—J. B. Richardson	Moulton
Lee—Place No. 1—Roberts H. Brown	Opelika
Place No. 2—D. W. Ward	Opelika
Limestone—Bunyan D. Broadwater	Tanner
Lowndes—Place No. 1—Neil Robinson	Lowndesboro
Place No. 2—Pugh Haynes	Letohatchie
Macon—G. O. Bush	Notasulga
Madison—Place No. 1—T. Herman Vann	Huntsville
Place No. 2—Carl A. Morring, Jr.	Huntsville
Marengo—Place No. 1—Z. P. Crocker, Jr.	Thomaston
Place No. 2—Odie Bedford Whitcomb	Linden
Marion—W. E. Dyar	Guin
Marshall—J. J. Benford	Albertville

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

Mobile—Place No. 1—Sydney S. Pfleger.....	1st Fed. Savings Bldg., Mobile
Place No. 2—George E. Stone, Jr.....	Box 1317, Mobile
Place No. 3—Joseph C. Sullivan.....	1st Nat. Bk. Bldg., Mobile
Monroe—W. W. Garrett.....	Uriah
Montgomery—Place No. 1—S. B. Sightler.....	Montgomery
Place No. 2—Hubert E. Busby.....	Montgomery
Place No. 3—Luther Ingalls.....	Montgomery
Place No. 4—Charles M. Pinkston.....	Montgomery
Morgan—Place No. 1—Norman W. Harris.....	Decatur
Place No. 2—W. H. (Bill) Stewart.....	Hartselle
Perry—Place No. 1—D. K. Mason, Jr.....	Marion
Place No. 2—John G. White.....	Uniontown
Pickens—R. B. Doughty.....	Reform
Pike—Place No. 1—Ira Thompson.....	RFD, Troy
Place No. 2—Max Shirley.....	Goshen
Randolph—A. C. George.....	Rt. 1, Roanoke
Russell—Place No. 1—B. L. Cole.....	Phenix City
Place No. 2—J. W. Brassell.....	Phenix City
Shelby—Frank Head.....	Columbiana
St. Clair—John W. Inzer, Jr.....	Ashville
Sumter—Place No. 1—John H. Pinson.....	Geiger
Place No. 2—Ira D. Pruitt.....	Livingston
Talladega—Place No. 1—J. S. Ganey.....	Talladega
Place No. 2—G. Kyser Leonard.....	Talladega
Tallapoosa—Place No. 1—Lewis E. Sellers, Jr.....	Alexander City
Place No. 2—Cecil G. Duffee.....	Dadeville
Tuscaloosa—Place No. 1—A. K. (Temo) Callahan.....	Tuscaloosa
Place No. 2—J. P. Shelton.....	Tuscaloosa
Walker—Place No. 1—Chester M. Black.....	Jasper
Place No. 2—A. J. McDonald, Jr.....	Jasper
Washington—J. Emmett Wood.....	Millry
Wilcox—Place No. 1—E. T. Harrison.....	Pine Hill
Place No. 2—S. M. Cobb.....	Camden
Winston—John B. Weaver.....	Double Springs

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

PASSED AT THE

ORGANIZATIONAL SESSION OF 1951

HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY

COMMENCING TUESDAY, JANUARY 9, 1951



WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1951 Organizational Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

MESSAGE OF GOVERNOR JAMES E. FOLSOM

January 9, 1951

My purpose here today is to recite to you the final chapter on four years of progress, which is a report of my stewardship. There has been four years of progress in some fields but very little progress in others.

There has not been much progress in the fundamental liberties. We failed to achieve a \$50.00 per month old age pension; a constitutional convention; more wide-spread use of the franchise through the abolition of the poll tax; and we failed to bring about reapportionment.

In a sense though we have not failed in these things because they are more in the minds of our people today than ever before.

In general much progress for the people has been made, and it is the purpose of this report to the legislature and to the people to tell of that progress.

In most instances the figures and statements which I am going to give you are based upon the four fiscal years, extending from October 1, 1946, to October 1, 1950. As you know, the financial year for the state government ends as of September 30th each year and reports are compiled as of that date.

HIGHWAYS

Perhaps it would be wise to start off with the road program, because everybody likes good roads. Some folks don't like to pay for them, but everybody likes to ride on them.

This administration from the beginning has dedicated itself to the task of building farm-to-market, or some call them mail-box roads, throughout this state. Even though we haven't built nearly as many roads as we would liked to have built, I believe that it can honestly be said that our road building program has been a successful one.

During these four years there have been completed 3,165.4 miles of hard surfaced roads. In addition to this figure, there are several hundred miles of roads on which varying amounts of work have been done, including considerable mileage which is now ready for hard surfacing.

Approximately four times as many roads have been hard-surfaced during these four years as in the previous four; over twice as many as from '39 to '42; and 50 per cent more than in any four-year period of the state's history. And you will bear in mind that these roads were built without any special road bond

issues with which to build roads, as some of the previous administrations enjoyed.

The highway contracts left by the foregoing administration for the present one to build and pay for exceeded \$17,000,000.00. Those contracts which I am leaving for the incoming administration amount to \$12,000,000.00.

During these four years, the state highway department completed 601 construction projects, costing a total of \$49,659,000.00. This was the total amount provided by federal, state, county and municipal sources.

Besides building these \$50,000,000 in roads, the state has paid in principal and interest on monies borrowed prior to this administration for road building, the sum of \$13,076,000.

Thus the total outlay for road building purposes during these four years has amounted to \$63,000,000.

Even with the progress which has been made in road building here in Alabama, there is still much which could have been done if road building bonds had been enacted. Many sister states have surged ahead with great road building programs financed by long range bond issues. As each of you look to the immediate future, I hope that you will earnestly consider expansion of our present road building program.

PUBLIC WELFARE

And now, let's look at the Public Welfare picture and our old folks, because that, too, was a major promise of this administration.

Four years ago, our public welfare department administered a \$16,000,000 program for our people, of which \$9,000,000 was paid by the federal government. This year that figure has risen to \$35,000,000—more than double, and \$25,000,000 of it comes from the federal government.

Now, what has this increase meant for the people of Alabama? Four years ago there were 48,916 old folks getting an average monthly payment of \$17.88. Today there are 87,592 old people drawing an average check of \$20.20.

While this monthly payment is 50 per cent below the national average, we have twice as many old people getting help as the national average.

And since these monthly checks are far below the national average, they are far below the amount for which federal funds could have been secured, if Alabama had appropriated additional funds for matching purposes. Our old folks should be getting

\$50.00 per month instead of \$20.20. And they can get it if Alabama will do its full share in helping them obtain it.

Total people receiving help from the welfare program, including the old folks, dependent children, the blind, the handicapped, and the disabled, today amount to 121,000, against 62,935 four years ago. That is progress for our neglected people—those who need it the most.

EDUCATION

This administration was pledged to work for an \$1800 annual salary for every school teacher in Alabama. That goal has not been reached. However, great gains have been made. The average teacher's salary has increased from \$1398, including the vocational education teachers, in 1946 to just over \$2000 for 1950. That marks a \$600 average increase for the teachers of Alabama. And that was made possible because certain income tax monies were channeled to education, and also, because more general revenue was collected. During the latest fiscal year, for instance, \$54,000,000 of the \$94,000,000 in revenue collected from all sources was earmarked directly for educational purposes. Thus, education now receives more than sixty cents out of every tax dollar collected.

Far-reaching progress has also been made in school building construction. During this administration 386 new school buildings have been erected, 228 of which were for the whites, and 158 for the Negroes. Also, 305 additions were made to existing buildings—223 of these were for whites, and 82 for Negroes. Total funds involved in this over-all school building program was \$27,305,000. These new schools have made it possible for the children of Alabama to have more comfortable and healthy quarters for learning. You don't have to go many miles up or down any main road in Alabama, but what you will soon see a school building which has been constructed during the past four years. That is progressive government. We need these and many other buildings because we now have enrolled in the elementary and high schools of Alabama 684,908 school children.

This administration has seen a nine months school term come into existence for the first time in the history of Alabama. Today, every school in Alabama is operating full-time on a full nine months schedule, thus providing our children with the very best of educational opportunities. I believe that this is a significant step toward the full development and progress of our people, and the future of Alabama.

STATE EMPLOYEES

Substantial gains have been made for the benefit of state employees. There are now 6800 individuals working full-time for the state. During the early part of this administration, state

employees discontinued working a half-day on Saturday, but they absorbed the four hours which they worked on Saturdays into longer hours for their five work days. They continue to work the same 40 hours per week as in the past, and their work schedule is now from 8 to 5, with an hour off for lunch. Since the beginning of the administration, the average monthly salary of state employees has increased from \$162 to \$214. And the great majority of pay increases have been for those employees in the low pay brackets. They should be paid more.

It is important that the morale of state employees be kept on a high level, and that their wages and working conditions be made as attractive as possible.

STATE DOCKS AND TERMINALS

The Alabama State Docks and Terminals has enjoyed robust progress and expansion during this administration. As a result of this expansion, the State Docks' facilities for handling freight are equal to the best in the world, and superior to most of them.

The four-year expansion program at the docks amounts to \$10,000,000. This includes three new shipping berths, a grain elevator, a coal and ore tipple, an addition to the administration building, and the purchases of additional land sites, and equipment. This is an amount equal to the original cost of the docks, and more than three times the amount expended on its growth for the 16 year period from 1930 to 1946.

Total gross tons handled during the four years was 14,057,000. Gross earnings were \$13,260,000, and net revenue was \$5,484,000.

During this time, offices were established in New York and Chicago, both of which have proved highly effective in procuring shipping for the port of Mobile.

The State Docks and Terminals is one of the most far-reaching investments the State of Alabama ever made. It's growth has been phenomenal. Mobile is now the sixth port of the nation. And it is serving all Alabama. During a recent three months' period, it was noted that products and merchandise from 37 counties in Alabama were being shipped to countries throughout the world by way of the State Docks.

REVENUE

The past four years have been progressive and eventful in the revenue field. Four years ago the total state revenue was \$64,401,000. In 1950, this amount was \$94,091,000. This marks a 46.10 per cent increase. And mind you, this \$30,000,000 increase was made, despite the fact that no new taxes were levied, and no increases in existing tax rates were made.

It is true that economic conditions were good during these four years. And the Revenue Department cannot take credit for the normal increases in collection which are the natural result of greater profits in business; however, it is due a reasonable portion of the increase due to its more efficient enforcement and administration of the revenue laws.

The revenue laws, and the administration of those laws, are the very life-blood of all services rendered by the government for its people. Therefore, it is vitally important that revenue laws be administered fairly and without prejudice to all alike. That, we have tried to do during these four years. And applying the same yardstick to big and little alike is the major reason why there is more revenue today for education, welfare, roads and other vital needs of our democracy.

CONSERVATION

Alabama ranks as the third largest timber producing state in the nation, and number one in the production of yellow pine. Annual income from timber and timber products, and income from the manufacturing of those products, has now reached the \$400,000,000 mark. Therefore, it is essential for the state to provide whatever facilities necessary for the future maintenance and growth of this vital industry.

Alabama has 19 million acres of forest land. Seventeen million acres of that is within the protected area. Alabama ranks first in all the South in protected coverage of forest lands. Every acre of forest land, except that owned by the federal government in Alabama, is now under organized forest fire control. We now have 134 lookout towers for fire control throughout the state, and six more under construction.

Exceptional progress has been made in the production and distribution of seedlings. During the past four years, 40,000,000 of these seedlings have been distributed to the farmers and tree growers of Alabama. That means there are 40,000,000 little pines and oaks and blackgums and other varieties now growing under supervised cultivation for future lumber supply. And we have not reached our capacity by any means. A new nursery is now being developed near Auburn, and during 1950, its first year of operation, it distributed 750,000 seedlings. Even with this great volume of supply, we still are far short of supplying the demand. And that speaks well for the farmers of Alabama, because they have come to realize that their timber land must be scientifically restocked and cultivated if they are to expect the full capacity of harvest.

During this administration, the state has acquired Little Mountain State Park at Guntersville, Joe Wheeler State Park near Florence, and Alabama Point, near Gulf State Park.

Our state parks have developed into a major vacation factor for our people. During the past four years, 2,789,000 people visited our various state parks—218,000 of them remaining as over-night guests in park cabins. Our parks should be further developed because they cannot now accommodate the needs of our people.

Progress has been made in the seafood, game, and fish operation carried on by the Conservation Department. During the past four years, 19,000,000 fish have been distributed throughout the state. It is estimated that we now have 7,000 fish ponds in Alabama—hence one can readily see that there is a heavy demand upon the state to supply fingerlings for stocking these lakes. Ten large public lakes, costing \$244,000 have been completed in this administration. These lakes, well stocked and equipped, will greatly add to the fishing opportunities and general recreation for our people.

The seafood division has planted 152,000 barrels of oyster seed along the Gulf Coast waters to improve and expand the oyster industry. We have endeavored also to regulate shrimping so as to give the fullest opportunity, both to the development of the **shrimp**, and to the commercial concerns engaged in the **shrimping business**.

Our new marine laboratory at Cedar Point has been completed and is now gathering information that will be beneficial in providing a greater harvest of seafood in the future.

Progress has been made also in opportunities for hunting. It is estimated that we now have 30,000 wild turkeys and 28,000 deer scattered over the more remote sections of Alabama.

It is a definite fact that a lot of folks are interested in hunting and fishing, because, during the past four years 930,000 hunters have bought hunting licenses, and 445,000 fishermen have bought fishing licenses.

STATE PLANNING BOARD

The State Planning Board has made broad gains for the entire state during these four years. Together with the State Health Department, it worked up a comprehensive hospital development program which is the basic foundation for the large hospital building program now underway for counties throughout the state. Land capability maps were prepared on each of the 67 counties, and these have been widely used by manufacturing concerns desiring to make factory locations in the state.

Intensive inquiry into the broad field of water resources of the state was made; these included deepening of the Mobile ship channel, industrial land and water problems of Mobile, a brief on the Warrior-Tombigbee river system, and lastly, the making

of a complete inventory of our total resources. Ten volumes were prepared on Alabama, the board has made studies of 70 Alabama municipalities during the past year. These will be of continuing value in years to come. The planning board has done a scientific and worthy job during these four years to develop pride in Alabama, and to promote the general economic status of our entire economy.

LABOR

The Department of Labor has rendered invaluable services in reducing losses to both employers and workers through settlement of disagreements before they ended in strikes. It investigated over 500 disputes, and has maintained a high settlement-without-strike record of 86 percent. This has done much to lend prestige to the Labor Department and to increase the public's confidence in its endeavors. I believe today that the labor-management picture in Alabama is a very harmonious one, and I think much of the credit for its being so, is due to the consistent efforts of the State Labor Department.

CORRECTIONS AND INSTITUTIONS

Running the prisons of any state is a thankless job. But I want to tell this legislative body that the past four years have seen vast strides of improvement made throughout the prison system. During the early months of this administration the prison officials were busy putting new roofs on buildings throughout the system—roofs which were leaking badly and falling in. Number Four Prison had to be rebuilt from the ground. Prisoners were ill-clothed and in need of shoes. No fertilizer was on hand for the spring crop. And yet, \$302,000 had been turned into the general fund as surplus money.

I can assure you that the picture is quite different today. A new gin has been installed at Kilby. A lake, community house, and a hotel have been built at Draper. Temporary barracks and a hospital have been built at Atmore. A tuberculosis ward has been finished at Julia Tutwiler. Two garden store-houses, four residences, and a warehouse for cottonseed have been built. Once widely-used benzedrine has been brought under successful control.

A plan of segregation has been put into effect. Draper was set aside for teen-agers. Six white road camps have been built to accommodate young boys and first offenders. Inmates with bad records, the repeaters, the escapees, etc., are assigned to Atmore. The hardened criminals, robbers, rapists, and those requiring maximum security are confined at Kilby. Misdemeanor cases are assigned to Number Four and Ketona Road Camp. Inmates in road camps are assigned as close to home as possible in order to have an opportunity for family visitations. This greatly helps

the general morale. There are now 26 road camps—nine more than four years ago—with 1650 inmates assigned to them. The prison department receives from \$46,000 to \$48,000 monthly from the Highway Department for prison labor.

Four years ago the prison population of Alabama was 3,525. It rose to 5,300 in June, 1948. Today it has dropped to 4,600. The teen-age population has dropped approximately 40 percent during the past two years.

The religious, recreational, and educational activities have been greatly expanded throughout the prison establishments. Much of this credit is due to the efforts of Reverend W. H. Spearingen, the prison chaplain.

I think I should mention these things also, simply to assure you the prison system will not be left in the condition it was four years ago. The sum of \$115,000.00 has been invested in fertilizer for next year's crop. Three hundred tons of steel have been bought for the 1952 automobile tags which are made at Kilby. The cotton mill at Kilby is making a net profit of \$8,000 per week. The department has 1,540 hogs; 312 dairy cattle; and 1,512 beef cattle—all representing substantial increases over the inventory of four years ago. Twenty-eight hundred acres of cover crop have just been sowed. And the department has canned 195,000 gallons of food to feed the prison population during the present winter. The department also reports to me that it will leave on hand approximately \$175,000 in cash money when this administration goes out of office.

Currently the legislature appropriates \$424,000 annually for operation of the prison system; \$130,000 of this is refunded to the counties for court costs, leaving the prison \$293,000 for actual use. The prison budget for the past fiscal year was \$3,387,000. This means that the prison system has got to make up the difference. I do not think this is sound economy, nor that it makes for sound financing of a prison system. There is an urgent need for increased appropriations to provide for better qualified guards and prison personnel in general, a change which would vastly improve many existing conditions. Need is also urgent for an appropriation to construct a prison barracks at Atmore to replace the one destroyed by fire.

I have recently initiated a program whereby young inmates with good records may have the opportunity to be released from prison to serve in military duty. Many of these young boys are veterans who returned as heroes from the battlefields and made a few wayward steps. War taught them to kill and to be ruthless. Their overnight transition from soldiers to civilians was a drastic change. It is only natural for many of them to go astray. I take the position that society sent them to war and I feel there-

fore that society must accept its responsibility to help rehabilitate them into proper citizenship. I believe that these young boys with only one minor mark against them should be given an opportunity to serve honorably in the military service if they satisfactorily pass the screening board set up to investigate them.

MILITARY

During this administration, the authorized strength of the National Guard has jumped from 3,000 to 13,000. The 118 National Guard units have been organized in 46 counties. Alabama has consistently—on a percentage basis—led the entire nation in recruiting National Guard troops.

During these four years the state appropriated \$1,734,000 for the Military Department, the Alabama National Guard, and the Alabama State guard. During the same time the Federal government spent \$11,000,000 on the Alabama National Guard, plus many millions in equipment, uniforms, airplanes, tanks and materiel; \$4,267,000 of this went directly to troops for pay drill and summer field training.

Alabama is distinctly proud of its National Guard, and she has just cause to be, because it has rendered a great and invaluable service to our state, not only in time of peace, but now, in time of war.

During the past summer one-fourth of the Alabama National Guard was inducted into actual federal service. And now, the 31st Infantry Division has been called into active duty. Approximately 75 percent of the man power of this great division is made up of Alabama soldiers. These soldiers have been called from their work, their friends, their families, to make a great sacrifice for the protection of our American way of life.

It is an honor to the 31st Division, and to the combat readiness and efficiency of its fighting troops that the national defense leaders of this nation have ranked them so highly during the present emergency. It is the procedure and custom for the National Guard divisions best trained and equipped to be the first called into active duty. Therefore, Alabama and its people are proud that the 31st Division has been so trained and equipped as to be called into active duty at this time. We look to the future role of the 31st Division with complete confidence and assurance, because we know that our citizens army is inspired with courage, faith, integrity, and above all a strong conviction of direction and purpose in the military role it is destined to play.

CIVIL DEFENSE

Let's look now to the future for a moment. Our nation is on a war status. Our army is engaged with an enemy, and our men are being killed. Our National Guard and Reserves have been

called to active duty. The National Congress recently passed a Civil Defense law, carrying over three billion dollars in appropriations, much of which must be matched by the states. Our best experts would not be surprised if a third World War should break out at any hour. Such a war will mean a war of extermination. We can no longer depend upon the front line of our soldiers fighting on battle fields for our safety. With the present day bombs and airplanes, the battle field is at our own door. I cannot too strongly urge upon you to enact immediate laws authorizing Civil Defense plans to be placed in effect as soon as possible; to appropriate sufficient money to perfect this organization; to have it well trained; and to provide for suitable bomb shelters in target areas. To do less than this would be jeopardizing the lives of our people.

Without any state law we have been able to organize our three largest cities into Civil Defense units and about twenty smaller towns and cities, but it is most imperative that suitable laws with proper appropriations be made, in order to protect our people from whatever emergencies or attacks may arise.

INDUSTRIAL RELATIONS

On the Alabama Industrial scene as of October 1, 1946, there were 6,825 employers operating under the Alabama Workmen's Compensation law, employing approximately 215,000 workers. This figure increased during the past four years to 13,468 employers who now have on payrolls 425,000 employees. The 1947 legislature passed the second-injury trust fund to encourage and assist the employment of handicapped workers.

It also increased maximum weekly benefits from \$18 to \$21; increased death benefits from \$5400 to \$6300; and increased medical benefits from \$200 to \$500. The Child Labor Law was amended to raise the age limit from 14 to 16 years for minors during school sessions. The Unemployment Compensation Trust Fund of \$54,826,000 in 1950 was one million less than four years earlier; however, it jumped to \$60,968,000 in 1948. It then declined due to the widespread unemployment which followed in 1949, and this decline continued until the start of the conflict in Korea, when it began a steady upward climb.

The readjustment allowance program paid veterans \$106,714,000. Of that sum \$66,965,000 was paid to unemployed veterans and \$39,749,000 was paid to self-employed veterans.

Each of the last four years has continued to set an all-time record for job placements, these placements during the past fiscal year running to 235,190, an all time peak. Of these, 121,000 were non-agricultural and 114,124 were placed in agriculture.

PUBLIC SAFETY

The Public Safety Division saw numerous improvements. The ABC Enforcement Division was placed under the control of the ABC Board while the Investigation Bureau remained with the department. And by combining the Investigation Bureau with the Highway Patrol, an annual savings of \$75,000 was made possible. The photostatic method of issuing drivers' licenses was adopted, which provided for a \$15,000 annual savings over the old method, and at the same time it brought greater efficiency and speed to handling the licenses which had increased in 1950 to 793,376—200,000 more than four years earlier. Six sub-stations were built at Birmingham, Evergreen, Tuscaloosa, Dothan, Hamilton and Demopolis.

Patrol personnel was increased from 169 in 1947 to 191 in 1950, plus 29 driver's license examiners, 43 radio operators, and six radio engineers. The Traffic Safety Division began a traffic safety program and has been lecturing and showing safety movies to schools and other civic groups, as well as on radio and television. Alabama now has one of the best organized school traffic safety programs of any state.

INSURANCE

Twenty-two domestic insurance institutions were organized and licensed during the present administration, making a total of 631 such companies now operating in Alabama. These companies during this time paid just over \$10,000,000 to the state in premium taxes, agents and company licenses. Total premiums held by all companies in Alabama jumped from \$116,000,000 in 1946 to \$151,000,000 by 1950.

There are now 155 state banks and 69 national banks in Alabama. State bank deposits at the beginning of 1950 were \$289,654,000, and national bank deposits were \$912,104,000. Total resources of all banks were \$1,297,044,000. There are 28 savings and loan associations with resources of \$57,948,000 and 84 credit unions with resources of \$9,085,000.

*STATE INSURANCE FUND

The State Insurance Fund is an outstanding operation of the state government. At the beginning of this administration the fund was 23 years old, with total assets of \$800,000. Today, four years later, the fund has increased three times, or to \$2,400,000. This is how it was accomplished: Each year from the beginning of this administration \$100,000 in premiums was transferred from private companies to the state fund. This was graduated over a period of three years until at this time the fund is carrying all of the state's scheduled insurance, which is averaging a net profit of \$40,000 a month. As the fund continues to grow, I foresee in

the not too distant future the state's being able to carry its own insurance risk free of charge to the various state agencies, counties and municipalities.

STATE BUILDING COMMISSION

The State Building Commission has supervised a large building program for many phases of state government. During the past four years it has carried out a \$28,640,000 construction program. This includes the building of hospitals, schools, college buildings of many descriptions, livestock coliseums, highway patrol sub-stations, and additions to several hundred public buildings. The massive livestock coliseum nearing completion of its first phase here in Montgomery, will provide for Alabama the most modern facilities for cattle shows in the entire nation. It is something that Alabama can point to with pride, and it will do much to advance the development of livestock in this state.

Engineers of the Commission have done an excellent job of supervising building construction projects, making sure that the state gets dollar value for dollar spent.

ABC BOARD

One of the largest sources of revenue which supports the operation of the state government is derived from the profits of the ABC Board. During the four years the net income was \$62,305,000, and of that amount, \$53,105,000 was net profit, a \$15,000,000 increase over the previous four years' net profit of \$38,189,000. The 1947-50 total sales amounted to \$180,107,000—\$46,000,000 more than the four years before.

The established policy of maintaining warehouse stocks based upon public demand has proved successful and sound business. There are now 59 state stores in operation.

HEALTH

The health of our people has been materially improved, due especially to the 1947 legislative acts providing for blood-testing and tuberculosis examination. Follow-up testing procedures show that the syphilis infection rate was reduced 50 percent within a year's time. The public program designed to combat these two diseases has proved highly beneficial, and has attracted national attention.

The most important long range planning for improved health standards was begun when the people voted a \$2,000,000 bond program to finance a great statewide hospital building program. Five hospitals, two public health centers, and one school of nursing have already been completed. The Health Department has authorized construction of 18 general hospitals with 1,589 beds, one tuberculosis sanatorium with 161 beds, two mental hospitals,

five public health centers, two schools of nursing and one dental clinic. These hospitals represented an outlay of \$28,781,000, of which the state supplied \$991,900, the federal government, \$14,387,000, and the local governments, \$13,401,000. There is now on file applications for 59 additional hospitals estimated to cost \$22,186,000 but these have been temporarily delayed until July 1, 1951, due to war-time budget cuts by Congress.

VETERANS AFFAIRS

The state Department of Veterans' Affairs began operation just one year prior to the present administration. It is difficult to show in statistical language the accomplishments of this department, since so much of its work is of a personal service to veterans, and cannot be resolved into dollars and cents. The department has administered a vast education and training program for veterans in which 110,000 veterans have received benefits during the past four years. Twenty-one thousand have been helped to secure pensions and other compensation, and the department has handled 138,000 other claims.

While the educational and training assistance to the veterans under the GI Bill has lessened with each year since 1947, the work for hospitalization and out-patient care has increased from 5,720 patients in 1947 to 10,047 in 1950. And it is apparent that this number will continue to increase for some time to come before a maximum is reached. Much wealth has come to the veterans of Alabama through various benefits. During the past year alone, \$155,000,000 was paid to our veterans, and there has been an approximate yearly average of \$145,000,000 for the past four years. Thus the Veterans' Affairs Department has rendered great and invaluable service to our veterans. It is most important that this agency be continued, because its assistance will be needed not only for veterans of past wars, but now in the immediate future, to aid those fighting in Korea.

PARDON AND PAROLE BOARD

Fifty-six employees operate the Pardon and Parole Board Department and maintain its 19 field offices, 24 of these being probation and parole officers who carried an average case load of 225 which is far more than is wise for the maximum efficiency.

During the past four years the board has considered 7,193 prisoners for parole. It granted 2,034 of these paroles and denied 5,129 of them. Six-hundred and twenty-six paroles were declared delinquent; 457 were revoked and 81 reinstated. Temporary paroles were granted to 710 and only eight failed to return. The board considered full pardon with restoration of civil and political rights for 391, and granted 354 of that number. It considered 346 for restoration of civil and political rights without pardon, and granted 291. The board received 413 parolees and probationers

from other states, and sent 339 cases to other states—the program being carried on through the Interstate Compact Agreement.

OIL OUTPUT

The past four years have seen the oil industry in Alabama rise from a very meager beginning into what promises to be a rewarding enterprise for our people. Since January of 1947 there have been 110 oil wells drilled, 25 of them being productive. Daily oil production has jumped from 997 barrels to 2,250 barrels, and the total production for the four years is 2,375,000 barrels. All drillings are being closely supervised by the State Oil and Gas Board, in order for this new industry to be developed systematically and for the fullest long-range returns.

AERONAUTICS

The Department of Aeronautics has developed 28 airport construction projects for 22 towns and cities, costing a total of \$2,700,000. State grants for airport construction and air marking totaled \$400,000, all of which came from the aviation gasoline tax revenue. Alabama's airport marking program is one of the nation's finest, and led the entire nation in 1948. Since 1947 more than 40 municipal, commercial and private airports have been added to the Alabama Airport System, there now being a total of 110. The department also supervised the Veterans Flight Training Program in which 6,500 veterans attended 84 flight schools at an outlay of more than \$4,000,000.

ARCHIVES AND HISTORY

The Archives and History Department has expanded its stacks and book storage facilities at a cost of \$124,000. This expansion was a long-range one, designed to accommodate the needs for some years to come. A photostatic laboratory was established and has already been of immeasurable value in preserving important documents for posterity. The director, Mrs. Marie Bankhead Owen, recommends that the two wings, designed as part of the original building, be constructed as memorials to veterans of World War II, and I heartily concur in this recommendation. The archives and history museum is the state's own show place and it should have the fullest of public support at all times.

RECORDS AND REPORTS

The Division of Records and Reports provided regular news service for the weekly newspapers of Alabama. It prepared and distributed 65,000 tourist folders and 45,000 state government primers. It prepared the pictures for the state highway map and assisted the highway department in distributing over 200,000 of same. It replied to thousands of requests from tourists and school children concerning the state.

Cooperating with the Research Interpretation Council of Alabama Polytechnic Institute, it held three work-shops for all state employees engaged in editorial and journalistic research work, teaching the art of more simple writing so that the public might more fully understand prepared reports, releases and bulletins.

It provided hundreds of requests for photographic coverage of state activities and scenic attractions.

SELECTIVE SERVICE

The State Selective Service System has done a remarkable job for national defense since its reactivation June 24, 1948. Despite an operational budget which fluctuated with the political activities in the national capital, the System has met each set-back with determination, and has maintained at all times a superior organization which has achieved an enviable record when compared with other states and the national average.

And as of December 1, 1950, Alabama ranked second among the states of the Third Military District, having not only met its induction calls 100 per cent, but oversubscribed them by 19 per cent.

On the same quoted date, there were 248,780 registrants registered with the local draft boards in Alabama. Of this number, 220,346 had been classified; 19,491 were in Class 1-A awaiting pre-induction examination; 3,664 had been examined and found qualified and were awaiting induction; and 3,683 had been inducted into the armed services.

Much credit for this successful job is due the 711 Selective Service employees throughout the state who serve without compensation. On behalf of the entire state I would like to extend sincere thanks from the state government and the people themselves for the loyal and unselfish duties rendered by these voluntary workers. Their assistance has been of enormous value, and the job of running the Selective Service System could never have been fully carried out except for their many efforts.

EXECUTIVE MANSION

I believe that it should also be noted in this report that a new executive mansion has recently been purchased for the use of future governors. The sum of \$100,000 was appropriated for the purchase of the mansion and approximately \$60,000 has been allotted for restoration purposes. It is a home which the people can point to with pride, and I am sure that it will fully and adequately serve the needs of the future governors for many years to come.

FINANCE

I would like now to round out this report to you by giving special attention to the over-all financial condition of the state.

During the first year of my administration the general fund was in such condition that through sound management I was able to allot to the building commission \$1,000,000. This was distributed to various projects over the state. Most of it went to the livestock coliseum. Another item over and above regular operations was money withheld from the ABC funds and returned to the cities, which was withheld from them during the war years. This amounted to \$1,208,000.

I would like now to present to you financial figures which concern the major operations of the state government. Like other data given you in this report, these figures extend through four fiscal years, namely from October 1, 1946, to October 1, 1950.

Annual highway expenditures, exclusive of debt payments, jumped from \$12,799,000 in 1947, to \$27,131,000 in 1950. Annual federal aid and loans to the Highway Department increased from \$2,846,000 to \$7,319,000.

Yearly net receipts to education jumped from \$32,786,000 in 1946 to \$58,305,000 in 1950.

Welfare expenditures from all sources rose from \$8,922,000 to \$26,026,000 per year.

Total receipts to the General Fund increased from \$17,676,000 to \$19,993,000.

Total annual receipts coming into the state treasury from all sources increased from \$114,207,000 in 1946 to \$193,016,000 in 1950. That is a \$79,000,000 increase, which was achieved without any new taxes being levied, or any existing taxes being increased.

Now, let's look at the indebtedness of the state. On October 1, 1946, the net debt of the State of Alabama was \$42,580,000. On October 1, 1950, the net debt was down to \$29,230,000. In other words, the debt decreased by a little over \$13,000,000, despite the fact that we provided two million dollars for hospitals. The general obligation hospital bonds which financed these hospitals were sold at the lowest interest rate—less than $1\frac{1}{4}$ per cent—of any general obligation bonds ever sold in the history of the state.

It gives me great pleasure to present to you the above financial statement, because I am happy that the State of Alabama is today in a far superior financial condition than it was four years ago.

MUNICIPAL GOVERNMENT

I have always championed municipal governments taking a larger share of responsibility in our over-all government picture. That is based upon the practical theory that the closer to the people you can deposit governmental authority, the better that government will be. People like to feel their government is something which they can see in operation, and not some great centralized bureaucracy beyond their borders.

We have made progress in municipal government during these four years. And I am glad to have had a part in that progress. I am glad that I had the opportunity to sign into law some twenty major and important bills concerning municipal government which had been passed by the legislature and came across my desk for final approval. Probably the most important of these bills was the one which transferred responsibility of maintenance and construction of some 700-miles of municipal highway-streets from the cities to the state itself. There also were important laws covering revenues, recreational facilities, housing, hospitals, licenses, retirement of employees, and so forth.

All of these laws were helpful in extending to city and county governments a larger share of local-level democracy. One never has to worry about the authorities on the bottom rung of the ladder getting too much control. Tendency during modern times has been for authority to be taken from them. Therefore, I am glad to have been a part of putting a check-rein on that removal of authority from the local governments.

There is still much to be done in this field of legislation. I urge you during your legislative days ahead to give the very best of your thought and attention to local problems—the problems of municipal and county governments.

And at the same time, I urge the leaders of local government to rise to the occasion and accept their full responsibility toward this new and fuller role of local government. Collectively they are doing a fine job, and I feel fully confident that they will continue to do so.

INTERNATIONAL AFFAIRS

During the past four years I vehemently protested the affairs leading up to the present chaos in which we find ourselves, not only in speeches from week to week, but in a state-wide campaign. I considered it my duty to present the facts as I saw them to the people so that they might be the judge. At the same time, believing that these things were coming to pass, I bent every effort towards carrying out my responsibility for the defense of this nation by putting our National Guard unit in the number one position in the nation. This was my duty. At the present time

Alabama has more troops alerted or in the service than any other state in the nation, on a percentage basis.

I do not think these Alabama troops, or any other troops, should be sent beyond the seas, and those troops we have sent beyond the seas should be brought within our own territory and not be used to police the world.

Then, at home, the way to end wars is to preach and practice economic and political democracy in our own back yard, then we can go forth and preach to the world political and economic democracy with sincerity that will be forceful. That way, and that way alone, can we end the shooting and killing of our boys in wars, of which the present middle-aged generation has seen three, and the older generation has seen four.

THE FUNDAMENTAL LIBERTIES

What I have presented to you up to now in this report has been concerned largely with specific and exacting phases of state government and its operation.

I would like to turn now to those important factors which directly concern the fundamental liberties of the citizens of the State of Alabama.

It is not really important that several thousand miles of roads have been built for the people during the past four years. And it is not of great significance that teachers' salaries have been almost doubled, nor that the reforestation program has been greatly advanced. What really concerns the safeguarding and promoting of democracy for our people, is whether or not every man so entitled is given the right to vote. For without a full or reasonably large participation of the electorate, there can be no thriving, full-bodied measure of democracy. Look at our elections. There are three million people in Alabama, yet only 450,000 take part in the elections in this state. That number should be tripled. There should be 1,500,000 people marching proudly to the polls in every statewide election.

The fundamental liberties of our people are encroached upon also by the dishonorable use of the fee system which is directly responsible for many inmates being in the state prisons today who have no business being there. The system of fining a man one cent and cost, and sending him off to the penitentiary to work out that cost, in order for certain lower courts to collect their fees—that is a system more suited to the serfdom society of the Dark Ages than for a time of enlightened democracy. The fee system should forthrightly be abolished by legislative action in order to correct this evil which has been perpetuated unjustly upon the rights of many people.

The conception of democracy is based upon the theory stated in the Federal Constitution, that all men should have equal rights.

In a society such as we have in our state today, we have to face-up to all problems confronting us. We have to face-up to the fact that 35 per cent of our people are Negroes. We cannot stick our heads into the sand and let the world march by without direction, without planning. The Negroes are a part of this state and our leaders have got to plan for their welfare, their needs along with the rest of our planning. They have been neglected too long. It is not to the credit of the state that there is not a single state park for the recreation of Negroes. Many of them who are qualified to the letter of the law have been maliciously kept from exercising the right to vote. That is not democracy in any man's language.

I have always believed in the will of the people and the rule of the courts. In recent months the federal courts have ruled on numerous occasions that Negroes shall be admitted to regular graduate schools when the states in which they reside do not provide for Negroes graduate training in those fields of study being sought after. As a result, Negroes are now attending regular graduate schools in several southern states. The Southern Regional Education Program now being carried on by 15 southern states has helped this situation considerably, but there are still vast fields of study opportunities which must be provided for Negroes in graduate work. Such is a direct obligation of the state and these needs must be recognized and fulfilled.

The one thing which does more than anything else to work against the fundamental liberties of our people here in Alabama is the existing representation of the state legislature. No other one single thing does more to warp the fulfillment of democracy for our people than does this unfair system of representation.

People throughout this state ask why is it that lawmakers refuse time and again to enact legislation correcting this unfair situation. The constitution itself plainly states that reapportionment is required every ten years. Yet it has never been done since the constitution was adopted in 1901.

This means that people are not fairly represented in the legislature where laws are made. It means that a few people exert power over many people, and that is not what democracy stands for.

In six special sessions and two regular sessions of the legislature I have stressed the urgent need for a constitutional convention. Our constitution as it is now designed is a road block to progress. A convention is the best means of ending that road block and at the same time, giving and guaranteeing to the people of this state their fundamental liberties and rights as provided in the initial founding of our nation.

So as we look to the future here in this state capitol today, I urge each of you lawmakers to search your conscience for wisdom

to better this situation. I trust that in the sessions ahead that you will enact legislation to shape up the fundamental liberties involved in reapportionment so that every man will be equally represented by the lawmakers.

The people are looking to you leaders here today, to give to them a greater measure of these fundamental liberties than they are now enjoying. By doing that, you will be strengthening their faith, their belief in democracy.

And now, as I relinquish the helm of state government to my successor, I want to assure you lawmakers of my assistance in any and all ways possible in furthering progressive steps of government in Alabama. As a private citizen I shall continue to work for those parts of my program which were not achieved during these four years. I shall continue to work for wider exercise of the ballot, a constitutional convention, legislative reapportionment, and repeal of the poll tax.

I shall work for these because I believe they will make Alabama a much better and more democratic state for its people, and in this day when democracy is being challenged by foreign isms, we must exert every effort to strengthen it here at home in order to strengthen it abroad.

ALABAMA LAWS

and Joint Resolutions

ORGANIZATIONAL SESSION, 1951

Act No. 1

S. J. R. 2—Clayton and Boutwell

SENATE JOINT RESOLUTION

Be it Resolved by the Senate, the House of Representatives concurring, That the following be adopted as the Joint Rules of the two Houses of the Legislature of Alabama:

1. Messages from one house to the other shall take precedence over all other questions.

2. When House or Senate bills are signed by the presiding officer of the House or Senate, the Clerk or Secretary, as the case may be, shall notify the other house and request the signature of the presiding officer to the same, and as soon as the message is read, the presiding officer shall immediately sign the bills in the presence of the House or Senate, as prescribed by the Constitution.

3. No local or special bill shall be introduced into either house unless the member who introduces it discloses at the time the fact that the notice required by the Constitution and laws has been given, and submits one original and two exact copies of proof thereof with the bills.

4. All bills for amendment to any section or part of the Code by reference to the section or other subdivision of the Code must contain on the back of the bill, immediately below the title, a brief statement of the general subject to which such section or subsection relates.

5. The Secretary or the Clerk, as the case may be, shall, when a bill is duly enrolled and signed by the presiding officers of both houses, deliver the bill to the Governor, noting thereon the day and hour and minute of delivery, and he shall make a written report to the house where the bill originated showing the number and title of the bill and time of delivery, which shall be spread upon the Journal.

6. All legislative documents, reports, or other papers which may be ordered printed by either house shall be printed in octavo form, 23 ems measure in width, in 10 point type, with one lead only, saddle stitched or wired on the side, and the title page shall have a heading in substantially the following form:

IN THE LEGISLATURE OF THE STATE OF
ALABAMA
REGULAR SESSION, 1951

Legislative Document No.

(or Calendar No., for that publication, with the name of the particular house.)

7. Bills or resolutions ordered printed by either house, or by any committee or the chairman thereof under the rules of the respective houses, shall be given a printed bill number in the order received by the printer, in addition to the Senate or House number, be saddle stitched or wired on the left side, and the heading of each shall be substantially as follows:

Printed No. Senate (or House) No.

IN THE LEGISLATURE OF THE STATE OF
ALABAMA

REGULAR SESSION, 1951

Jan. (or other date) Senate (or House) Bill (or resolution) No., introduced by Mr. of (County).

Read 1 time and referred to committee on (or such other action, showing status at date printed).

Jan. (or other date) copies ordered printed by the Senate (or House).

8. The printer shall print two hundred and fifty copies of each legislative document for the use of the Department of Archives and History, unless otherwise ordered by the Director.

9. The privileges of the floor of both houses are accorded the directors and employees of the Department of Archives and History and the Legislative Reference Service in aid of the reference work required by law to be done by the Service for members of the Legislature.

10. The presiding officer of the Senate shall preside when the two Houses meet in joint sessions.

Approved Jan. 18, 1951.

Time: 2:16 P. M.

Act No. 2

S. J. R. 3—Boutwell and Clayton

SENATE JOINT RESOLUTION

Be it Resolved by the Senate, the House of Representatives Concurring:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between March 1, 1951, and the opening day of the regular session of the Legislature in May following, whose duty it shall be to make a careful investigation

and study of the financial condition of the State and the laws relating to taxation and report their findings and recommendations to the Legislature, as the Legislature may direct. The Committee shall be composed of six Senators appointed by the President of the Senate and ten Representatives appointed by the Speaker of the House, all to be named before the first day of February, next. The President of the Senate and the Speaker of the House shall be ex officio members of the Committee. The President of the Senate shall name some member of the Committee as chairman and the Speaker of the House shall name some member as vice-chairman. Vacancies on the Committee shall be filled by the Speaker or President of the Senate, as the case may require.

2. There shall also be an Interim Committee on Revision of Laws, to consist of ten members of the House, to be appointed by the Speaker before February 1, and six Senators, to be appointed by the President of the Senate before February 1, who shall meet during the interim herein mentioned and examine, inquire into, and study any subject respecting which it may desire information in aid of the Legislature's duty to pass laws. Provided, that the Committee shall not encroach upon the jurisdiction of the Interim Committee on Finance and Taxation, interfere with its investigations, or duplicate its efforts. The President of the Senate and Speaker of the House shall be ex officio members of the Committee. The Speaker shall name the Committee's chairman, and the President of the Senate shall name the vice-chairman. Vacancies on the Committee shall be filled by the Speaker or President of the Senate, as the case may require.

3. The pay of members of the Committees shall be ten dollars per day for each day actually engaged on the Committee's business, and an allowance for expenses, to be paid at the rate of ten dollars for each day a member is entitled to pay, plus mileage of ten cents per mile in going from his residence to, and in returning to his residence from Montgomery, to be computed as required by the Code, the mileage to be paid one time only. Ex officio members shall be paid their regular legislative compensation for each day they are engaged on Committee business, and be allowed the same mileage and expenses as other members.

4. The Chairmen of the Committees are authorized to employ such clerks as they may deem necessary, and their compensation shall be paid as provided in Section 13, Title 32, Code of Alabama (1940).

Approved Jan. 18, 1951.
Time: 2:17 P. M.

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
SPECIAL SESSION OF 1951
HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, JANUARY 16, 1951



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

GORDON PERSONS, Governor
JAMES B. ALLEN, Lieutenant-Governor
ALBERT BOUTWELL, President Pro Tem. of the Senate
ROBERTS H. BROWN, Speaker of the House
PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the Special 1951 Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

ALABAMA LAWS

and Joint Resolutions

SPECIAL SESSION, 1951

Act No. 1

S. J. R. 2—Pinson, Clayton, Quarles

SENATE JOINT RESOLUTION

WHEREAS a suitable monument to Confederate soldiers has been provided for by the State in Vicksburg National Park under the auspices of the Alabama Division, United Daughters of the Confederacy, and

WHEREAS upon the completion of said project an appropriate dedication should be made, now therefore,

Be it resolved by the Senate, the House of Representatives Concurring, That the Governor be authorized and directed to appoint a committee of Senators and Representatives to act in conjunction with the Committee for the Alabama State Memorial at Vicksburg National Military Park, Alabama Division, United Daughters of the Confederacy, to arrange appropriate dedicatory exercises for the unveiling of the memorial; and

Be it resolved further, That the Governor shall designate a member of the Committee as the chairman thereof, and the chairman is hereby authorized to employ such clerks and assistants as he deems necessary; and

Be it further resolved, That the members of the Committee shall be paid actual expenses incurred on the Committee's business, such expenses and the hire of clerks to be paid out of funds appropriated for the payment of expenses of the Legislature, upon order of the chairman.

Approved Jan. 24, 1951.

Time: 5:30 P. M.

Act No. 2

H. J. R. 5—Wallace, Edgar, White
(Covington), Thomas

HOUSE JOINT RESOLUTION

WHEREAS, the Thirty-first National Guard Division composed of members from Alabama and Mississippi entered federal service on January 16, 1951, and

WHEREAS, the members of the Legislature and all the people of Alabama are proud of this famous Division and deeply appreciate the sacrifice its members are making to serve the country in this time of peril, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The members of the Legislature of Alabama extend their appreciation to the members of the Thirty-first National Guard Division for the great service they are rendering and wish them good fortune in their present undertaking.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to the commanding general of the Thirty-first Division, and to release a copy of the Resolution to the press.

Approved Jan. 24, 1951.

Time: 5:00 P. M.

Act No. 3

H. J. R. 8—Gallalee and Hawkins (DeKalb)

HOUSE JOINT RESOLUTION

WHEREAS, the following units of the Alabama National Guard and Air National Guard have been called into Federal Service or alerted for Federal Service:

1169th Engineer Combat Group,
151st Engineer Combat Battalion,
1343rd Engineer Combat Battalion,
226th Anti Aircraft Artillery Group,
711th Anti Aircraft Artillery Gun Battalion,
378th Signal Radar Maintenance Unit,
131st Heavy Tank Battalion,
109th Ordnance Medium Maintenance Company,
252nd Transportation Truck Company,
107th Transportation Truck Company,
464th Anti Aircraft Artillery Automatic Weapons Battalion,
117th Fighter Group,
160th Fighter Squadron,
160th Weather Station,
Utility Flight 160th Fighter Squadron,
Detachment B, 217th Air Service Group,
Headquarters Detachment 217th Air Service Group,
106th Bombardment Squadron Light,
106th Weather Station,

and

WHEREAS, the officers and men of these units have made, and are making, a substantial sacrifice for the benefit of the State of Alabama and the United States of America, now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the officers and men

of the units mentioned above are highly commended for their patriotism and public spirit and all wishes are extended to them for a speedy return to their homes and families, and

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to the Adjutant General of Alabama and the Commanding Officer of each of the units mentioned above.

Approved Jan. 24, 1951.

Time: 5:05 P. M.

Act No. 4

H. 6—Russell, Harrison (Shelby), Merrill, Solomon, Romine, Brown, Kendall, Coburn, Selden, Simpson, Roberts, Hankins, Scruggs, Oden, Harvey, Oakley, Gentle, Reynolds (Madison), Givhan, Pruitt, Langdon, Fite (Walker), Malone (Limestone), Beatty, Adams (Dale), Black, Faulk, Davis, Mathews, McNider, Sellers, Tennille, Hall, Pfleger, White (Covington), Taylor, Wood, Brannan, Bassett, Wesley, Belcher, Gallalee, Wilkins, Harrison (Wilcox)

AN ACT

Relating to the salaries and compensation payable to certain non-elective state officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of each of the several state officers named in this Section shall be fixed by the Governor, not to exceed the amount herein set forth:

For the Director, Highway Department, \$10,000 per annum;

For the Director, Department of Conservation, \$10,000 per annum;

For the Director, Department of Finance, \$10,000 per annum;

For the Director, Department of Corrections, \$10,000 per annum;

For the Commissioner of Revenue, \$10,000 per annum;

For the Governor's Legal Adviser, \$9,000 per annum;

For the Governor's Secretary, \$8,500 per annum;

For the Adjutant General, \$7,500 per annum;

For the Administrator, ABC System, \$7,500 per annum;

For the Director, Department of Labor, \$7,500 per annum;

For the Director, Department of Commerce, \$7,500;

For the Director, Department of Public Safety, \$7,500 per annum;

For the Commissioner of Public Welfare, \$7,500 per annum;

For the Director, Division of Records and Reports, \$7,500 per annum.

Section 2. The salary of each of the state officials named in this Section shall be the amount as herein set forth, and no more:

For each member, Board of Pardons and Paroles, \$7,500 per annum;

For the Director, Personnel Department, \$7,500 per annum;

For the Director, Legislative Reference Service, \$7,500 per annum.

Section 3. Each member of the ABC Board shall be entitled to receive twenty-five dollars (\$25) for each day actually engaged in the performance of his duties, not to exceed \$2,500 for any year, plus an allowance for expenses for official travel in State, not to exceed \$10.00 for each day he is entitled to compensation, and the actual cost of his transportation and no more; in the event he uses a privately-owned automobile for official travel, he shall receive six cents per mile for each mile actually travelled in attending board meetings or performing his official duties. The Governor, at his discretion, however, may at any time issue an executive order that any member of said board shall serve without compensation. In such event, and until such executive order is rescinded, any such member shall not be entitled to any compensation whatsoever for the performance of his duties as a member of said board; but he shall be entitled to the expenses provided by law for members of said board while engaged in the performance of their duties.

Section 4. The salaries and compensation herein fixed or provided for shall be paid at the same time, in the same manner, and out of the same funds from which the salaries and compensation heretofore provided by law for such officers were paid; and the amounts herein specified, or so much thereof as may be necessary to pay the salaries and compensation herein fixed or provided for, are hereby appropriated out of such funds for such purpose.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are superseded and repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 11:42 A. M.

Act No. 5

H. 1—Merrill, Solomon, Harrison (Shelby), Russell, Brown, Weathers, Bassett, Thomason, McClendon, Scruggs, Selden, Martin, Harvey, Oakley, DeSear, Ward, Fite (Walker), Oden, Simpson, Garrett, Wallace, Edgar, Mathews, Dawkins, Hall, Tennille, Wood, Robinson, Brannan, Taylor, Kendall, White (Cov.), Crook, Springer, Sellers, Wesley, Faulk, Adams (Dale), Leonard, Black, Smith, Adams (Tallapoosa), Engelhardt, Wilson, Eslick, White (Cullman), Plott, Givhan, Pruitt, Lee, Shelton, Bamburg, Gentle (Jackson), Baker, Romine, Reynolds (Madison), Malone (Limestone), Beatty, Dumas, Kaul, Morgan (Jefferson), McNider, Meeks, Langdon, Hankins, Burkhalter, Johnson, Miller, Hawkins (Etowah), Denton

AN ACT

To permit certain state officials and employees not in the classified service to be in the service of the United States at a time when there is an existing national emergency, without vacating their office or employment; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of any official of the State of Alabama who has heretofore entered, or who shall hereafter enter, the military service of the United States, whether voluntarily or as a result of being called, drafted or requested to do so or not, at a time when a state of national emergency has been declared to exist by the President of the United States, shall not be deemed vacated by reason of such service, nor shall such service be deemed an acceptance of, or the holding of, an office of profit under the United States within the purview of Section 280 of the Alabama Constitution of 1901.

Section 2. (a) The term "military service of the United States" as used in this Act shall include the Army of the United

States, the United States Navy, United States Air Force, the Marine Corps, the Coast Guard or any reserve or auxiliary component of any of the foregoing, and those persons commissioned in the Public Health Service, or those persons entering into the service of any organization hereafter formed by the government of the United States similar to those herein above mentioned.

Section 3. That officer or board who has the power to appoint to vacancies in such office, and if there is no such officer or board having the power to fill vacancies provided by law then the Governor, upon being advised in writing by an elected or appointed official of the State of Alabama that such official, has or will enter the service of the United States and desires to avail himself of the privileges and immunity granted by this act, or upon failure of such official to so advise the appointing authority for a period of thirty days after his entry into the service, shall have the power to appoint a temporary acting official who shall be clothed with all the powers, privileges and duties regularly exercised by the official in whose place he is acting. Such temporary acting official shall receive the same compensation payable in the same manner and from the same source as the official in whose place he is serving.

Section 4. Should any temporary acting official appointed under the provisions of this act be called into or enter the service of the United States, then the appointing authority, as hereinabove defined shall upon being informed in writing that such temporary acting official has or will enter the service, or upon failure of such temporary acting official to so advise the appointing authority for a period of thirty days after his entry into the service, shall have the power to appoint another temporary acting official who shall have the same powers, privileges and duties and shall receive the same compensation, payable in the same manner and from the same source as the official in whose place he is serving.

Section 5. The tenure of any temporary acting official appointed under the provisions of this act shall be during the absence of the regularly elected or appointed official while in service and until the expiration of thirty days from the date that notice in writing is given to the appointing power by the said regularly elected or appointed official of his intention to return and resume the duties of his office, at which time the powers, privileges, and duties of such temporary acting official shall automatically end. It is provided that in order to entitle him to return and resume the duties of his office such regularly elected or appointed official must give such notice of his intention to return within thirty days from the date of the termination of his service with the United States.

Section 6. This act shall apply to all officials heretofore or hereafter elected at any special or general election, whether or not they have entered upon the discharge of their duties.

Section 7. Nothing herein contained, however, shall be deemed to extend the tenure of any such duly elected or appointed official beyond the time for which he has been elected or appointed, nor entitle him to any compensation during the time he is absent in the service of the United States and until he resumes the duties of his office, nor shall any such official be clothed with any of the powers or authority of his office while absent in the service of the United States.

Section 8. Those employees who are not in the classified service, as defined by Chapter 9, Title 55, Code of 1940, upon being called into, or entering, the military service shall have the same rights and privileges as to reemployment by the State or any department thereof as are granted to those employees in the classified service by Act No. 651, S. 506, approved July 10, 1940, General Acts, 1939, page 1027.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:20 P. M.

Act No. 6

H. 2—Solomon, Harrison (Shelby), Merrill, Brown, Romine, Englehardt, Russell, Scruggs, Fite (Walker), Adams (Dale), Sellers, Faulk, Wesley, Kendall, White (Covington), Taylor, Brannan, Wood, Robinson, Haynes, Ward, Pruitt, Wallace, Black, Adams (Tallapoosa), Brassell, Baker, Grouby, Dawkins

AN ACT

To permit county and municipal officials of the State of Alabama to be in the service of the United States at a time when there is an existing national emergency, without vacating their office; and to provide for the appointment, authority and compensation of temporary acting officials during their absence.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of any official of any county or municipality of the State of Alabama who has heretofore entered, or who shall hereafter enter, the military service of the United States, whether voluntarily or as a result of being called, drafted or requested to do so or not, at a time when a state of national emergency has been declared to exist by the President of the United

States, shall not be deemed vacated by reason of such service, nor shall such service be deemed an acceptance of, or the holding of, an office of profit under the United States within the purview of Section 280 of the Alabama Constitution of 1901.

Section 2. (a) The term "military" service of the United States" as used in this Act shall include the Army of the United States, the United States Navy, United States Air Force, the Marine Corps, the Coast Guard or any reserve or auxiliary component of any of the foregoing, and those persons commissioned in the Public Health Service, or those persons entering into the service of any organization hereafter formed by the government of the United States similar to those hereinabove mentioned.

Section 3. That officer or board who has the power to appoint to vacancies in such office, and if there is no such officer or board having the power to fill vacancies provided by law then the Governor, upon being advised in writing by an elected or appointed official of any county or municipality of the State of Alabama that such official, has or will enter the service of the United States and desires to avail himself of the privileges and immunity granted by this act, or upon failure of such official to so advise the appointing authority for a period of thirty days after his entry into the service, shall have the power, subject to the application and limitation of any civil service or merit law under which the county or municipality may be operating, to appoint a temporary acting official who shall be clothed with all the powers, privileges and duties regularly exercised by the official in whose place he is acting. Such temporary acting official shall receive the same compensation payable in the same manner and from the same source as the official in whose place he is serving.

Section 4. Should any temporary acting official appointed under the provisions of this act be called into or enter the service of the United States, then the appointing authority, as hereinabove defined, shall upon being informed in writing that such temporary acting official has or will enter the service, or upon failure of such temporary acting official to so advise the appointing authority for a period of thirty days after his entry into the service, shall have the power to appoint another temporary acting official who shall have the same powers, privileges and duties and shall receive the same compensation, payable in the same manner and from the same source as the official in whose place he is serving.

Section 5. The tenure of any temporary acting official appointed under the provisions of this act shall be during the absence of the regularly elected or appointed official while in service and until the expiration of thirty days from the date that notice in writing is given to the appointing power by the said

regularly elected or appointed official of his intention to return and resume the duties of his office, at which time the powers, privileges, and duties of such temporary acting official shall automatically end. It is provided that in order to entitle him to return and resume the duties of his office such regularly elected or appointed official must give such notice of his intention to return within thirty days from the date of the termination of his service with the United States.

Section 6. This act shall apply to all officials heretofore or hereafter elected at any special or general election, whether or not they have entered upon the discharge of their duties.

Section 7. Nothing herein contained, however, shall be deemed to extend the tenure of any such duly elected or appointed official beyond the time for which he has been elected or appointed, nor entitle him to any compensation during the time he is absent in the service of the United States and until he resumes the duties of his office, nor shall any such official be clothed with any of the powers or authority of his office while absent in the service of the United States.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:30 P. M.

Act No. 7

H. 3—Dumas, Dawkins, Hall, Russell,
Morgan (Jeff.), Harrison (Shel-
by), Miller, Wesley

AN ACT

To make a deficiency appropriation to the Teachers' Special Pension Fund created by, or provided for in, Act No. 209, S. 62, approved July 7, 1945, and Act No. 301, S. 222, approved August 14, 1947, to supplement the benefits paid under said Acts.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made, there is hereby appropriated the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, from the Alabama Special Educational Trust Fund, to the Teachers' Special Pension Fund created by, or provided for in, Act No. 209, S. 62, approved July 7, 1945, and Act No. 301, S. 222, approved August 14, 1947, to be disbursed to the beneficiaries of said Fund in such amounts as may be required to make up to each bene-

ficiary the full benefit that he or she would have been entitled to during the fiscal years 1949-50 and 1950-51 had the requisite appropriations to said Fund for said fiscal years been made.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:27 P. M.

Act No. 8

H. 7—Harrison (Shelby), Russell, Brown, Merrill, Solomon, Romine, Thomas, Givhan, Pruitt, Selden, Malone (Limestone), Reynolds (Madison), Langdon, Black, Fite (Walker), Oden, White (Cullman), Plott, Hawkins (Etowah), Wesley, Thomason, Faulk, Grouby, Davis, P f l e g e r, Wilkins, Harrison (Wilcox), Gallalee, Scruggs

AN ACT

To amend Section 64 of Title 55, Code of Alabama (1940), which relates to the qualifications, compensation, and tenure of the Director of Finance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 64, Title 55, Code of Alabama (1940) is hereby amended to read as follows:

“The department of finance shall be headed by and shall be under the direction, supervision and control of an officer who shall be known and designated as the director of finance. The director of finance shall be the chief financial officer of the state and the advisor of the governor and of the legislature in financial matters, and he shall at all times be charged with protecting the financial interests of the state. He shall be responsible to the governor for the administration of the department of finance. The director of finance shall be appointed and hold office at the pleasure of the governor. Vacancies for any reason shall be filled in the same manner as original appointments are made. Before entering upon the discharge of his duties, the director of finance shall take the constitutional oath of office. The salary of the director of finance shall be fixed by the governor but shall not, in any event, exceed ten thousand dollars per annum. Such salary shall be payable at the same time and in the same manner as the salaries of other state officers. The director of finance shall devote full time to his office and shall not hold another office under the government of the United States, or under any

other state, or of this state or any political subdivision thereof, during his incumbency in such office, and he shall not hold any position of trust or profit, or engage in any occupation or business the conduct of which shall interfere or be inconsistent with the performance of his duties as director of finance under the provisions of this title."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:31 P. M.

Act No. 9

H. 8—Harrison (Shelby), Russell, Brown, Merrill, Solomon, Romine, Thomas, Givhan, Pruitt, Selden, Malone (Limestone), Reynolds (Madison), Langdon, Black, Fite (Walker), Oden, Wesley, White (Cullman), Plott, Hawkins (Etowah), Thomason, Faulk, Grouby, Davis, Pfleger, Wilkins, Harrison (Wilcox), Galla-
lee, Scruggs

AN ACT

To amend Section 5 of Title 8, Code of Alabama (1940), which relates to the qualifications, salary, and tenure of the Director of the Department of Conservation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5, Title 8, Code of Alabama (1940) is hereby amended to read as follows:

"The department of conservation shall be headed by and shall be under the direction, supervision and control of an officer, who shall be known and designated as the director of conservation. The director of conservation shall be the adviser of the Governor and the legislature in matters relating to the wild life, forest, timber, and other natural resources and the state parks and monument and historical sites of the State of Alabama and the discovery, development, protection and conservation thereof. He shall be responsible to the governor for the administration of the department of conservation. The director of conservation shall be appointed and shall hold office at the pleasure of the governor. Vacancies for any reason shall be filled in the same manner as original appointments are made. Before entering upon the discharge of his duties, the director of conservation shall take the constitutional oath of office and shall give bond in such penalty as may be fixed by the Governor (but such penalty shall not be

less than ten thousand dollars) conditioned upon the faithful discharge of his duties. The premiums on such bond shall be paid out of the state treasury. The salary of the director of conservation shall be fixed by the governor but shall not, in any event, exceed ten thousand dollars per annum. Such salary shall be payable at the same time and in the same manner as salaries of other state officers. The director of conservation shall devote full time to his office and shall not hold another office under the government of the United States, or under any other state, or of this state or any political subdivision thereof, during his incumbency in such office, and shall not hold any position of trust or profit, or engage in any occupation or business the conduct of which shall interfere or be inconsistent with his duties as director of conservation under the provisions of this title."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved Jan. 25, 1951.

Time: 5:25 P. M.

Act No. 10

H. 9—Harrison (Shelby), Russell, Brown, Merrill, Solomon, Romine, Thomas, Givhan, Pruitt, Selden, Malone (Limestone), Reynolds (Madison), Langdon, Black, Fite (Walker), Oden, Wesley, White (Cullman), Plott, Hawkins (Etowah), Thomason, Faulk, Grouby, Davis, Pfleger, Wilkins, Harrison (Wilcox), Galloway, Scruggs

AN ACT

To amend Section 6 of Title 45, Code of Alabama (1940), which relates to the Director of Corrections and Institutions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6, Title 45, Code of Alabama (1940) is amended to read as follows:

"The department shall be headed by and shall be under the direction, supervision and control of an officer, who shall be known and designated as the director of corrections and institutions. The director shall be the advisor of the Governor and the legislature in matters relating to penal and correctional institutions, pardons and paroles and related matters. He shall be responsible to the governor for the administration of the department. The director shall be appointed and shall hold office at the pleasure of the governor. Before entering upon the discharge

of his duties, the director shall take the constitutional oath of office. The annual salary of the director shall be fixed by the governor but shall not, in any event, exceed ten thousand dollars per annum. Such salary shall be payable at the same time and in the same manner as the salaries of other state officers. The director shall devote full time to his official duties and shall not hold another office under the government of the United States, or under any other state, or of this state or any political subdivision thereof, during his incumbency in such office, and shall not hold any position of trust or profit, or engage in any occupation or business the conduct of which shall interfere or be inconsistent with his duties as director of corrections and institutions under the provisions of this title."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:33 P. M.

Act No. 11

H. 10—Harrison (Shelby), Russell, Brown, Merrill, Solomon, Romine, Thomas, Givhan, Pruitt, Selden, Malone (Limestone), Reynolds (Madison), Langdon, Black, Fite (Walker), Oden, White (Cullman), Wesley, Plott, Hawkins (Etowah), Thomason, Faulk, Grouby, Davis, Pfleger, Wilkins, Harrison (Wilcox), Gallowee, Scruggs

AN ACT

To amend Section 2, Title 26, Code of Alabama (1940), as amended, which relates to the Director of Industrial Relations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Title 26, Code of Alabama (1940), as amended, is amended further to read as follows:

"The department of industrial relations shall be headed by and shall be under the direction, supervision and control of an officer, who shall be known and designated as the director of industrial relations. The director of industrial relations shall be the advisor of the governor and the legislature in matters relating to employer-employee relations and the welfare of the wage-earners of the state. He shall be responsible to the governor for the administration of the department of industrial relations. The director of industrial relations shall be appointed by and shall hold office at the pleasure of the governor. Vacancies for any

reason shall be filled in the same manner as original appointments are made. Before entering upon the discharge of his duties, the director of industrial relations shall take the constitutional oath of office. The premium on his bond shall be paid out of the state treasury. The annual salary of the director of industrial relations shall be fixed by the governor at a sum comparable to salaries paid similar officers in other states, notwithstanding any limitation or maximum in any other law, \$1,200 of which sum shall be paid from monies of the state of Alabama and the remainder from grants of the United States of America to this state. Such salary shall be payable at the same time and in the same manner as the salaries of other state officers. The director of industrial relations is authorized and empowered to make such agreements as may be necessary or proper with the United States of America with respect to the proration between funds from the state of Alabama and funds from the federal government of the salary paid to the director of industrial relations by virtue of the provisions of this section. The director of industrial relations shall devote his full time to his official duties and shall not hold another office under the government of the United States, or under any other state, or of this state or any political subdivision thereof, during his incumbency in such office, and shall not hold any position of trust or profit, or engage in any occupation or business the conduct of which shall interfere or be inconsistent with his duties as director of industrial relations under the provisions of this title."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:34 P. M.

Act No. 12

H. 11—Harrison (Shelby), Russell, Brown, Merrill, Solomon, Romine, Thomas, Givhan, Pruitt, Selden, Malone (Limestone), Reynolds (Madison), Langdon, Black, Fite (Walker), Oden, Wesley, White (Cullman), Plott, Hawkins (Etowah), Thomason, Faulk, Grouby, Davis, Gallalee, Wilkins, Pfleger, Harrison (Wilcox), Scruggs

AN ACT

To amend Act No. 298, S. 341, approved June 29, 1943 (Acts of 1943, pp. 252-259), the Act which established the Department of Labor.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act. No. 298, S. 341, approved June 29, 1943 (Acts of 1943, pp. 252-259), the Act which established the Department of Labor, is hereby amended to read as follows:

"Section 4. The Department of Labor shall be headed by, and shall be under the direction, supervision and control of, an officer who shall be known and designated as Director of Labor. He shall be responsible to the Governor for the administration of the Department of Labor and shall be appointed by and shall hold office at the pleasure of the Governor. Vacancies in the office for any reason shall be filled in the same manner as original appointments are made. Before entering upon the discharge of his duties the Director shall take the constitutional oath of office as provided for under the Constitution and shall execute bond in such penalty as may be prescribed by the Governor, conditioned upon a faithful discharge of his duties and payable to the State of Alabama. The premium on his bond shall be paid out of the State Treasury as like bonds of State officers. The annual salary of the Director of Labor shall be fixed by the Governor but shall not in any event exceed \$7,500 per annum and shall be payable at the same time and in the same manner as the salaries of other State officers. The Director shall devote full time to his official duties and shall not hold another office under the government of the United States, or under any other state, or of this state or any political subdivision thereof, during his incumbency in such office, and shall not hold any position of trust or profit, or engage in any occupation or business the conduct of which shall interfere or be inconsistent with his duties as Director of Labor under the provisions of this Act."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved Jan. 25, 1951.

Time: 5:35 P. M.

Act No. 13

H. J. R. 13—Merrill

HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the Acts and Journals of this 1951 Special Session of the Legislature be bound with the Acts and Journals of the 1951 Regular Session of the Legislature.

Approved Jan. 25, 1951.

Time: 5:36 P. M.

Act No. 14

H. 5—Russell, Dumas, Merrill, Harrison (Shelby), Solomon, R o m i n e, Brown, Leonard, Simpson, Reynolds (Madison), Gentle, Malone (Limestone), Eslick, Sellers, Hall, Tennille, Dawkins, Garrett, McNider, Mathews, Oakley, Crocker, McKee, Edgar, Bassett, Belcher, Harrison (Wilcox), Wilkins, Miller, Hawkins (Etowah), Baker, Adams (Tallapoosa), Johnson, Burkhalter, Selden, Wesley and Scruggs

AN ACT

To provide for civil defense upon the occurrence of disasters or emergencies: Creating and establishing within the executive branch of the State Government a department of Civil Defense and authorizing the creation of local organizations for civil defense in the political subdivisions of the State; conferring upon the Governor and upon governing bodies of political subdivisions emergency powers with respect to civil defense; providing for the rendering of mutual aid among political subdivisions, and with other States, and with the Federal Government; authorizing the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this Act; imposing penalties for violations of the Act or any rule, order, or regulation made pursuant to the Act; and making an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. **SHORT TITLE.**—This Act may be cited as the “Alabama Civil Defense Act of 1951.”

Section 2. **POLICY AND PURPOSE.**—(a) Because of the existing and increasing possibility of the occurrence of disasters or emergencies of unprecedented size and destructiveness resulting from attack, sabotage or other hostile action by an enemy of the United States of America, and in order to insure that preparations of this State will be adequate to deal with such disasters or emergencies, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the State, it is hereby found and declared to be necessary: (1) to create a State Civil Defense Agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the State; (2) to confer upon the Governor and upon the governing bodies of the political subdivisions of the State the emergency powers provided herein; and (3) to provide for the rendering of mutual aid among the political subdivisions of the State, and with other States, and with the Federal Government with respect to the carrying out of civil defense functions; and (4) to authorize the establishment of such organizations and the taking of such steps as are necessary and appropriate to carry out the provisions of this Act.

(b) It is further declared to be the purpose of this Act and the policy of the State that all civil defense functions of this State be coordinated to the maximum extent with the comparable functions of the Federal Government including its various departments and agencies, of other States and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the Nation's manpower, resources, and facilities for dealing with such disaster or emergency.

Section 3. DEFINITION.—As used in this Act the term "Civil Defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces or other Federal agencies are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters caused from attack, sabotage, or other hostile action by an enemy of the United States of America. These functions include, without limitation, fire-fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services (civilian war aid), emergency transportation, plant protection, temporary restoration of public utility services, and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation for and carrying out of the foregoing functions.

Section 4. STATE CIVIL DEFENSE AGENCY.—(a) There is hereby created within the executive branch of the State Government a department of Civil Defense (hereinafter called the "Civil Defense Agency") with a Director of Civil Defense (hereinafter called the "Director") who shall be the head thereof. The Director shall be appointed by the Governor. The Director shall devote his entire time to the duties of his office. He shall not hold another office under the government of the United States, or under any other state, or of this state, or any political subdivision thereof, during his incumbency in such office, and shall not hold any position of trust or profit, or engage in any occupation or business the conduct of which shall interfere or be inconsistent with the duties of Director of Civil Defense under the provisions of this Act. He shall hold office during the pleasure of the Governor and shall be compensated at a rate to be fixed by the Governor, not to exceed \$7,500 per annum.

(b) The Director may employ, subject to the provisions of the Merit System Act, such technical, clerical, stenographic and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available to him for purposes of civil defense, as may be necessary to carry out the purposes of this Act. Provided, That the State shall not pay the compensation, if any, of block wardens, fire guards, first aid

specialists, auxiliary firemen, auxiliary policemen, and similar civil defense personnel, nor shall it pay the compensation of personnel employed by or for a local organization for civil defense.

(c) The Director and other personnel of the Civil Defense Agency shall be provided with appropriate office space, furniture, equipment, supplies, stationery and printing in the same manner as provided for personnel of other State agencies.

(d) The Director, subject to the direction and control of the Governor, shall be the executive head of the Civil-Defense Agency and shall be responsible to the Governor for carrying out the program for civil defense of this State. He shall coordinate the activities of all organizations for civil defense within the State, and shall maintain liaison with and cooperate with major commanders of the armed forces within the State, the State Department of Public Safety, the State Military Department, and with civil-defense agencies and organizations of other States and of the Federal Government, and shall have such additional authority, duties, and responsibilities authorized by this Act as may be prescribed by the Governor.

Section 5. CIVIL DEFENSE COUNCIL.—There is hereby created a Civil Defense Council (hereinafter called the Council), which shall be composed of not less than 5 nor more than 21 members. The members of said Council shall consist of the Governor and such department heads, officials or citizens of the state as the Governor may deem necessary. No person shall be ineligible for appointment as a member of the Council because he holds any other public office or trust, nor shall any person forfeit his right to any public office or trust by reason of his appointment to said Council. The members of the Council shall serve at the pleasure of the Governor. The Council shall advise the Governor and the Director on all matters pertaining to civil defense. The Governor shall serve as Chairman of the Council, and the members thereof shall serve without compensation, but may be reimbursed for their reasonable and necessary expenses incurred in the performance of their duties.

The Council is authorized and empowered to make, amend, and rescind the necessary orders, rules, and regulations looking to the direction or control of practice black-outs, air raid drills, mobilization of civil defense forces and other tests and exercises, warnings and signals for drills or attacks, the mechanical devices to be used in connection therewith, the effective screening or extinguishing of all lights and lighting devices and appliances, the conduct of civilians and the movement or cessation of movement of pedestrians and vehicular traffic, public meetings or gatherings, the evacuation and reception of civilian population, and shutting off water mains, gas mains, electric power

connections and the suspension of all other public utilities, during, prior, and subsequent to drills or attacks.

Section 6. CIVIL-DEFENSE POWERS OF THE DIRECTOR.—In performing his duties under this Act, the Director is further authorized and empowered:

(1) To prepare a comprehensive plan and program for the civil defense of this State, such plan and program to be integrated into and coordinated with the civil-defense plans of the Federal Government and of other States to the fullest possible extent, and to coordinate the preparation of plans and programs for civil defense by the political subdivisions of this State, such plans to be integrated into and coordinated with the civil-defense plan and program of this State to the fullest possible extent.

(2) In accordance with such plan and program for the civil defense of this State, to ascertain the requirements of the State or the political subdivisions thereof for food or clothing or other necessities of life in the event of attack and to plan for and procure supplies, medicines, materials, and equipment for the purposes set forth in this Act; to make surveys of the industries, resources, and facilities within the State as are necessary to carry out the purposes of this Act; to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of civil defense organizations in advance of actual disaster, to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need.

(3) At the request of the Governor, to create and establish mobile support units and to provide for their compensation.

(4) To cooperate with the President and the heads of the Armed Forces, and to the civil defense agency of the United States, and with the officers and agencies of other States in matters pertaining to the civil defense of the State and Nation and the incidents thereof.

(5) With due consideration to the recommendation of the local authorities, appoint full-time State and regional area directors.

(6) To utilize the services and facilities of existing officers, and agencies of the State and the political subdivisions thereof.

(7) On behalf of this State to enter into reciprocal aid agreements or compacts with other States and the Federal Government, subject to approval by the Governor and the governing bodies of the political subdivisions affected. Such mutual aid agreements shall be limited to the furnishing or exchange of food, clothing, medicine, and other supplies; engineering services; emergency housing; police services; National or State Guards while under the control of the State; health, medical and

related services; fire fighting, rescue, transportation, and construction services and equipment; personnel necessary to provide or conduct these services; and such other supplies, equipment, facilities, personnel, and services as may be needed; the reimbursement of costs and expenses for equipment, supplies, personnel, and similar items for mobile support units, fire fighting, and police units and health units; and on such terms and conditions as are deemed necessary.

(8) To sponsor and develop mutual aid plans and agreements between the political subdivisions of the State, similar to the mutual aid agreements with other States referred to above.

Section 7. EMERGENCY POWERS.—In the event of actual enemy attack against the Continental United States or any territorial possession of the United States, or upon a declaration of war, the Governor may declare that a state of emergency exists, and thereafter the Governor shall have and may exercise for such period as such state of emergency exists or continues, or until the expiration date of this Act, the following emergency powers:

(a) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of this Act within the limits of the authority conferred upon him herein, with due consideration of the plans of the Federal Government.

(b) To enforce all laws, rules, and regulations relating to civil defense and to assume direct operational control of all civil defense forces and helpers in the State.

(c) To buy, lease, or seize and condemn property for the protection of the public or at the request of the President, the Armed Forces or the civil defense agency of the United States including:

(1) All means of transportation and all communication systems except newspapers, wire facilities leased or owned by news services, newspapers, and other news publications;

(2) All stocks of fuel of whatever nature;

(3) Food, clothing, equipment, materials, medicines, and all supplies; and

(4) Facilities including buildings and plants.

(d) To sell, lend, give, or distribute all such fuel, food, clothing, equipment, materials, medicines, and supplies among the inhabitants of the State and to account to the State treasurer for any funds received for such property.

(e) The seizure and condemnation of property under this section shall be governed by the provisions of Sections 23 and 235

of the Constitution of Alabama and Chapter 1, Title 19, Code of Alabama (1940).

(f) To take such action and give such directions to State and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Act and with the orders, rules, and regulations made pursuant thereto.

(g) To employ such measures and give such directions to the State or local boards of health as may be reasonably necessary for the purpose of securing compliance with the provisions of this Act or with the findings or recommendations of such boards of health by reason of conditions arising from enemy attack or the threat of enemy attack or otherwise.

(h) To utilize the services and facilities of existing officers, and agencies of the State and of the political subdivisions thereof; and all such officers and agencies shall cooperate with and extend their services and facilities to the Governor as he may request:

(i) With due consideration to the recommendations of local authorities, the Governor may formulate and execute plans and regulations for the control of traffic in order to provide for the rapid and safe movement of evacuation over public highways and streets of people, troops, or vehicles and materials for national defense or for use in any defense industry, and may coordinate the activities of the departments or agencies of the State and of the political subdivisions thereof concerned directly or indirectly with public highways and streets, in a manner which will best effectuate such plans.

(j) (1) Authorize any department or agency of the State to lease or lend, on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the State, any real or personal property of the State government to the United States government, the heads of the Armed Forces, or to the civil defense agency of the United States.

(2) Enter into a contract on behalf of the State for the lease or loan to any political subdivision of the State on such terms and conditions as he may deem necessary to promote the public welfare and protect the interests of the State, of any real or personal property of the State government, or the temporary transfer or employment of personnel of the State government to or by any political subdivision of the State.

(k) To establish agencies and offices and to appoint temporary executive, technical, clerical, and other personnel as may be necessary to carry out the provisions of this Act without regard to the Merit System Act.

Section 8. MUTUAL AID AGREEMENTS.—The director of each local organization for civil defense may develop or cause to be developed mutual-aid agreements with other public and private agencies within this State for reciprocal civil defense aid and assistance in case of disaster too great to be dealt with unassisted. Such agreements shall be consistent with the State civil defense plan and program, and a copy of each such agreement shall be filed with the State Director of Civil Defense immediately after being entered into. In time of emergency it shall be the duty of each local organization for civil defense to render assistance in accordance with the provisions of such mutual-aid agreements.

The director of each local organization for civil defense may assist in negotiation of reciprocal mutual-aid agreements between the Governor and the adjoining States or political subdivisions thereof, and shall carry out any such agreement relating to the local and political subdivision.

Section 9. LOCAL ORGANIZATION FOR CIVIL DEFENSE.—(a) Each political subdivision of this State is hereby authorized and directed to establish a local organization for civil defense in accordance with the State civil-defense plan and program. (The term “political subdivision” shall mean county, city, or town.) The governing body of the political subdivision is authorized to appoint a Director who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense, subject to the direction and control of such governing body. Each local organization for civil defense shall perform civil-defense functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this Act.

(b) Each political subdivision shall have the power and authority:

(1) To appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil-defense purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster resulting from enemy attack; and to direct and coordinate the development of civil defense plans and programs in accordance with the policies and plans set by the Federal and State civil defense agencies;

(2) To appoint, employ, remove, or provide, with or without compensation, air-raid wardens, rescue teams, auxiliary fire and police personnel, and other civilian-defense workers; provided, that compensated employees shall be subject to any existing civil service or merit system laws;

(3) To establish a primary and one or more secondary control centers to serve as command posts during an emergency;

(4) To assign and make available for duty, the employees, property, or equipment of the subdivision relating to fire fighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for civil defense purposes and within or outside of the physical limits of the subdivision; and

(5) In the event of enemy attack or state of emergency as provided in section 7 and in furtherance of the purpose of this Act, to waive procedure and formalities otherwise required by law pertaining to: the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

Section 10. LOCAL SERVICES.—Whenever the employees of any political subdivision are rendering outside aid pursuant to the authority contained in section 9 hereof such employees shall have the same powers, duties, rights, privileges, and immunities as if they were performing their duties in the political subdivisions in which they are normally employed.

Section 11. MOBILE SUPPORT UNITS.—Whenever a mobile support unit of another State shall render aid in this State pursuant to the orders of the Governor of its home State and upon the request of the Governor of this State, this State shall reimburse such other State for the compensation paid and actual and necessary travel, subsistence, and maintenance expenses of the personnel of such mobile support unit while rendering such aid, and for all payments for death, disability, or injury of such personnel incurred in the course of rendering such aid, and for all losses of or damage to supplies and equipment of such other State or a political subdivision thereof resulting from the rendering of such aid: Provided, That the laws of such other State contain provisions substantially similar to this section or that provisions to the foregoing effect are embodied in a reciprocal mutual aid agreement or compact or that the Federal Government has authorized or agreed to make reimbursement for such mutual aid as above provided.

No personnel of mobile support units of this State shall be ordered by the Governor to operate in any other State unless the laws of such other state contain provisions substantially similar to this section or unless the reciprocal mutual aid agreements or compacts include provisions providing for such reimbursement or unless such reimbursement will be made by the Federal Government by law or agreement.

Section 12. **ORDERS, RULES, AND REGULATIONS.**—All orders, rules, and regulations promulgated by the Council or by the Governor as authorized by this Act shall have the full force and effect of law when a copy thereof is filed in the Office of the Secretary of State. All existing laws, ordinances, rules, and regulations or parts thereof inconsistent with the provisions of this Act, or of any order, rule, or regulation issued under the authority of this Act, shall be suspended during the period of time and to the extent that such inconsistency exists. The Secretary of State shall cause to be printed and distributed to the probate judges of the several counties and to the Clerks of the several municipalities of this State a copy of each order, rule, or regulation issued under the authority of this Act.

Section 13. **ENFORCEMENT.**—The law enforcing authorities of the State and of the political subdivisions thereof shall enforce the orders, rules, and regulations issued pursuant to this Act.

Section 14. **IMMUNITY.**—(a) Neither the State nor any political subdivision of the State, nor the agents or representatives of the State or any political subdivision thereof, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer civilian defense worker, or member of any agency engaged in civilian defense activity pursuant to this Act. The foregoing shall not affect the right of any person to receive benefits or compensation to which he might otherwise be entitled under the laws of the State of Alabama or any political subdivision thereof or any Act of Congress.

(b) Neither the State nor any political subdivision of the State nor, except in cases of wilful misconduct, gross negligence, or bad faith, the employees, agents, representatives of the State or any political subdivision thereof, any authorized volunteer, auxiliary civilian defense worker, or member of any agency engaged in any civilian defense activity, complying with or reasonably attempting to comply with this Act, or any order, rule or regulation promulgated pursuant to the provisions of this Act, or pursuant to any ordinance relating to black-out or other precautionary measures enacted by any political subdivision of the State, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity.

Section 15. **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS, AND LOANS.**—(a) Whenever the Federal Government or any agency or officer thereof shall offer to the State, or through the State to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purposes of civil defense, the State, acting through the Governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance

the Governor of the State or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision.

(b) Whenever any person, firm, or corporation shall offer to the State or to any political subdivision thereof, services, equipment, supplies, materials, or funds by way of gift, grant, or loan, for purpose of civil defense, the State, acting through the Governor, or such political subdivision, acting through its governing body, may accept such offer and upon such acceptance the Governor of the State or governing body of such political subdivision may authorize any officer of the State or of the political subdivision, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the State or such political subdivision.

Section 16. **POLITICAL ACTIVITY PROHIBITED.**—No organization for civil defense established under the authority of this Act shall participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes.

Section 17. **CIVIL DEFENSE PERSONNEL.**—No person shall be employed or associated in any capacity in any civil defense organization established under this Act who advocates a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil defense shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

“I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alabama, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

“And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the Government of the United States or of this State by force or violence; and that during such time as I am a member of the (name of civil defense organization) I will not advocate nor become a member of any political party or

organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

Section 18. **PENALTIES.**—Any person violating any provision of this Act or any rule, order, or regulation made pursuant to this Act shall, upon conviction thereof, be punishable as provided in Section 327 of Title 15, Code of Alabama (1940).

Section 19. **LIBERALITY OF CONSTRUCTION.**—This Act shall be construed liberally in order to effectuate its purposes.

Section 20. **SEVERABILITY.**—If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 21. **APPROPRIATION.**—The sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, as ascertained by the Governor, is hereby appropriated from any funds in the State's treasury not otherwise appropriated, for expenditure under this Act.

Section 22. **EFFECTIVE DATE.**—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 23. **EXPIRATION DATE.**—This Act shall expire September 30, 1953.

Approved Jan. 30, 1951.

Time: 12:30 P. M.

Act No. 15

S. J. R. 5—Clayton

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House of Representatives concurring, that after completion and filing of the Journals and Records of this Special Session, the Secretary of the Senate and the Clerk of the House shall be allowed the services of two (2) assistants each during the Interim between such filing and the convening of the next regular session of the Legislature. Said assistants to be paid the per diem as prescribed by law for such assistants.

Approved Jan. 31, 1951.

Time: 12:35 P. M.

Act No. 16

S. J. R. 6—Andrews, Wright, Phillips,
Johnston and High

SENATE JOINT RESOLUTION

WHEREAS, Mittie Miller has heretofore rendered and is now rendering a most valuable and indispensable service to the members of the House of Representatives and the Senate of the State of Alabama, and

WHEREAS, the Senate of Alabama, the House of Representatives concurring, desires to commend her for her faithful and valuable service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING,

That Mittie Miller be and she is hereby commended for the splendid service she is rendering to the members of the Legislature of Alabama.

Approved Jan. 31, 1951.

Time: 12:26 P. M.

Act No. 17

H. 4—Kaul, Beatty, Meeks, Morgan
(Jefferson), Dumas, Huey,
Wesley

AN ACT

To amend Section 11 of an act of the Legislature approved July 6, 1945, (General Acts of Alabama, Regular Session 1945, pages 376-400) entitled "AN ACT To create and establish in each county in Alabama which has a population of 400,000 or more according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System, in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 11 of an act of the Legislature, approved July 6, 1945, (General Acts of Alabama Regular Session 1945, pages 376-400) entitled "AN ACT To create and establish in

each county in Alabama which has a population of 400,000 or more, according to the last or any future Federal census, a county-wide Civil Service System, affecting certain personnel whose compensation is now or may hereafter be payable in whole or in part from the public funds of such counties or municipalities located therein, including personnel employed or appointed by the County Board of Health and the Board of Registrars in such counties; to create a Citizens Supervisory Commission and to create a Personnel Board and other agencies for the supervision and administration of said System in each of such counties; to regulate and define the manner, form and extent of the control, supervision and authority of such agencies over such personnel and over such counties and municipalities therein and County Boards of Health and Registrars in such counties; to provide for the payment of the expenses of each such agency and for a division of such expense between the county affected thereby and the municipalities therein including the County Board of Health; to provide penalties for the violation of this Act and of rules and regulations adopted pursuant thereto; and to repeal all laws and parts of laws inconsistent with the provisions hereof," be and the same is hereby amended to read as follows:

"Section 11. Director of Personnel. There shall be a director of personnel for each county affected by this Act. The board shall appoint the director who shall hold office at the will of the board. The Director shall be a bona fide resident of such county and a voter thereof and his salary shall be an amount as fixed by the personnel board from time to time which shall not be greater than seventy-five hundred dollars per annum. The director of personnel shall act as secretary at board meetings, and shall be the board's executive officer, but shall not have a vote in determining the board's policy. He shall perform such duties as are assigned to him by the board. The director shall appoint one employee of the department to be his deputy. In case of the absence of the director or his inability from any cause to discharge the powers and duties of his office, such powers and duties shall devolve upon his deputy."

Section 2. That all laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. That this act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved Jan. 31, 1951.

Time: 12:25 P. M.

Act No. 18

S. J. R. 8—Smith

SENATE JOINT RESOLUTION

Whereas, The present world situation dictates that our nation produce at peak capacity; and

Whereas, The cotton farmers of Alabama and other cotton producing states have been urged to increase the production of cotton, and

Whereas, The increased production of cotton will necessitate an increased expenditure for poison to kill boll weevils, and other cotton destroying insects disproportionate to the financial gains of the cotton farmers from such increased production, and in many cases beyond their means;

Now Therefore Be It Resolved By The Senate Of Alabama, The House Of Representatives Concurring, That the Congress of the United States be respectfully requested to enact legislation to enable cotton farmers to secure adequate supplies of the proper insect poison, in part at least, at government expense.

Be It Further Resolved, That copies of this resolution be forwarded to the members of the Alabama Delegation in the Congress of the United States.

Approved Jan. 31, 1951.

Time: 4:25 P. M.

Act No. 19

S. 15—Skidmore

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following additional adjacent territory:

The East Half of the Southeast Quarter of the Southwest Quarter of Section 26, Township 21 South, Range 10 West, containing twenty (20) acres, more or less.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved Jan. 31, 1951.

Time: 4:27 P. M.

Act No. 20

S. 13—McCary

AN ACT

To repeal Article 2, Chapter 11, Title 28 of the Code of Alabama (1940), which relates to the State Surety Insurance Fund; and to provide for the disposition and use of the moneys now in said fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Article 2, Chapter 11, Title 28 of the Code of Alabama (1940), is hereby repealed.

Section 2. Any moneys now in the State Surety Insurance Fund which were paid into said fund by any department, office, board, commission, bureau, institution, or other agency of the State of Alabama, as premiums on official bonds for its officers or employees, pursuant to the statutory provisions hereby repealed, shall remain in said fund to the credit of the department, office, board, commission, bureau, institution, or other agency having paid the same, and shall be used for the purpose of paying premiums on the official bonds required by law of its officers and employees; and all moneys in the State Surety Insurance Fund are hereby appropriated for such purpose to the various departments, offices, boards, commissions, bureaus, institutions, and agencies of the State of Alabama in the respective amounts which such departments, offices, boards, commissions, bureaus, institutions, and agencies have heretofore paid into said fund. All disbursements from said fund for such purpose shall be by warrant of the State Comptroller, on order of the Director of Finance.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved Jan. 31, 1951.

Time: 4:20 P. M.

Act No. 21

H. 14—Dumas, Pruitt, Johnston (Mobile),
Kaul, Givhan, Weathers

AN ACT

To create and establish a legislative committee to investigate the administration of the granting of pardons and paroles and make recommendations for a revision of the laws relating thereto; empowering such committee to secure testimony and evidence by subpoena, providing for the compulsory attendance of witnesses, and for the punishment of contempts and false swearing, and making an appropriation for the purpose of carrying out the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a special legislative committee, to be composed of two Senators appointed

by the President of the Senate and three Representatives appointed by the Speaker of the House, whose duty it shall be to investigate fully the administration of the granting of pardons and paroles in this State, and make recommendations for a revision of the laws relating thereto.

Section 2. The members of the Committee shall elect a chairman and vice-chairman from among their number. Committee members shall be entitled to receive their regular legislative per diem and all allowances while engaged on the business of the Committee and while the Legislature is not in session. No member of the Committee shall be liable personally for any act done or any oral or written utterance made while acting under the authority of this Act.

Section 3. The Committee may employ such legal counsel, investigators, clerical, and stenographic personnel as may be necessary to carry out the provisions of this Act. The compensation of such personnel and the compensation and allowances of the Committee's members and witness fees and allowances shall be paid out of any funds in the state treasury not otherwise appropriated upon requisition of the Committee's chairman, not to exceed a total sum of fifty thousand dollars.

Section 4. The Committee shall have the power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function.

The chairman or vice-chairman of the Committee established hereby, or the member designated by the Committee to act in the absence of the chairman and vice-chairman, is empowered to issue subpoenas for the production of persons and papers looking to the gathering of information on such subjects, and is hereby empowered to administer oaths to witnesses in any case under the Committee's examination.

In the event such a person is duly summoned to appear and testify or produce evidence, or both, before the Committee, and refuses to attend or testify or produce evidence, or either, in obedience to such summons, the Committee shall have the right to invoke the aid of the circuit court at law of the county in which the Committee ordered the witness to appear before the Committee in order that the testimony or evidence, or both, may be required to be given or produced. In such event, and upon proper showing by the Committee to the court, the court shall issue, or cause to be issued, an order or subpoena requiring such person to appear before the Committee and produce all evidence and give all testimony relating to the matter in issue within his knowledge as provided in this Act. Any person failing to obey such order or subpoena without good cause, to be determined by the court, may be punished by the court for contempt, the same as is provided by law for any contempt of such court.

Each witness summoned by the Committee shall be entitled to the fees allowed witnesses in civil cases in circuit courts, plus five cents per mile for each mile to and from his residence by the nearest usual route, and all necessary ferriage and tolls.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 7. The Committee hereby constituted shall make its report on or before the fifteenth legislative day of the 1951 Regular Session of the Legislature but the authority of the Committee shall not thereupon terminate.

Approved Feb. 1, 1951.

Time: 12:36 P. M.

Act No. 22

H. J. R. 15—Scruggs

HOUSE JOINT RESOLUTION

Be it resolved by the House of Representatives, the Senate Concurring, That the Director of Finance is urgently requested to set aside or make available for the use of the Clerks of the House while the Legislature is in session Room 208 in the Capitol, or some other comparable room in proximity to the Hall of the House of Representatives.

Approved Feb. 1, 1951.

Time: 2:30 P. M.

Act No. 23

H. J. R. 11—Edgar

HOUSE JOINT RESOLUTION

To create a legislative interim committee to study the laws of the several states relating to exploration for, and production of oil and natural gas; and to prepare suggested legislation to improve the Alabama regulations in this field.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. A legislative interim committee is hereby created to study the laws of the various states relating to exploration for, and production of oil and natural gas.

2. The committee shall consist of 3 members, 2 members of the House of Representatives appointed by the Speaker of the House,

and 1 member of the Senate appointed by the President of the Senate. The members of the Committee shall elect from their number a member to be chairman, and the committee shall meet at the call of the chairman. Any vacancy in the committee membership from either House of the legislature shall be filled by an appointment made by the Speaker of the House or the President of the Senate, as the case may be. For each meeting of the committee the members shall receive their per diem of \$10.00 per day, and in addition thereto \$10.00 for expenses. Provided, however, that the work of the committee shall be limited to 7 days, and their compensation and allowances shall not exceed \$140.00 per member.

3. The committee upon completing its study shall prepare legislation which, in its opinion, will be best suited to regulate exploration for, and production of oil and natural gas in Alabama. The committee shall report to the Legislature by the tenth legislative day of the next regular session and shall present its suggested legislation and any other recommendations it may deem worth while. In making its study and in preparing suggested legislation and recommendations the committee shall consult with the Director of the State Department of Conservation, the State Oil and Gas Board, and the State Oil and Gas Supervisor. Such officials shall render the committee such assistance and information as it may require.

Approved Feb. 1, 1951.

Time: 2:12 P. M.

Act No. 24

S. J. R. 9—High

SENATE JOINT RESOLUTION

To amend Senate Joint Resolution No. 2, approved January 24, 1951, which provides for the appointment of a legislative committee to arrange dedicatory exercises for the unveiling of the Vicksburg Memorial.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the last two paragraphs of Senate Joint Resolution No. 2, approved January 24, 1951, be and the same hereby are amended to read as follows:

“Be it resolved further, That the Governor shall designate a member of the Committee as the chairman thereof; and

“Be it further resolved, That the actual expenses of the members of a thirty-two man committee incurred in attending such exercises, and incidental expenses of the Committee not to exceed

five hundred (\$500.00), shall be paid out of funds appropriated for the payment of expenses of the Legislature, upon order of the chairman."

Approved Feb. 1, 1951.

Time: 2:13 P. M.

Act No. 25

S. J. R. 10—Sollie

SENATE JOINT RESOLUTION

Resolved by the Senate, the House concurring, that House Bill No. 14 shall be known and designated as the "Dumas, Pruitt and Johnston (Mobile), Kaul, Givhan, Weathers, Bill."

Approved Feb. 1, 1951.

Time: 2:15 P. M.

Act No. 26

H. J. R. 12—Wallace, Faulk, Adams of Dale,
Thomas, Thomason

HOUSE JOINT RESOLUTION

Whereas, January 19, 1951, was the one hundred and forty-fourth anniversary of the birthday of General Robert Edward Lee, a peerless Christian gentleman, a chivalrous soldier and the Commander-in-chief of the armies of the Confederate States of America, and

Whereas, Lee's birthday has been set apart as a legal holiday in Alabama, and the Legislature was not in session on that day,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that we take this opportunity:

First, to re-affirm our belief in the principles of Southern Civilization in defense of which this great soldier drew his sword and thousands of loyal Alabamians staked life and fortune.

Second, to proclaim our admiration for the noble and humanitarian qualities of character and the military abilities of General Lee, who was an honor graduate of West Point, a skilled engineer, a military strategist of unsurpassed ability, a hero of both the Mexican War and the War Between the States.

Third, to pause in our deliberations, and in a moment of silence to rededicate ourselves to a fuller performance of our obligations as men and public servants in emulation of this noble gentleman, valiant warrior, and great statesman.

Approved Feb. 1, 1951.

Time: 2:15 P. M.

ALABAMA LAWS

(and Joint Resolutions)

OF THE

LEGISLATURE OF ALABAMA

**PASSED AT THE
REGULAR SESSION OF 1951**

**HELD AT THE CAPITOL, IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 1, 1951**



**WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE**

GORDON PERSONS, Governor

JAMES B. ALLEN, Lieutenant-Governor

ALBERT BOUTWELL, President Pro Tem. of the Senate

ROBERTS H. BROWN, Speaker of the House

PELHAM J. MERRILL, Speaker Pro Tem. of the House

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1951 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Mrs. Agnes Baggett,
Secretary of State.

Brown Printing Company
Printers and Binders
Montgomery, Alabama

GOVERNOR PERSONS'
MESSAGE TO THE ALABAMA LEGISLATURE

MAY 1, 1951

Gentlemen of the Legislature:

The State of Alabama and those of us who are meeting in this legislative chamber today, have arrived at one of the most critical periods in history. Even *without* the present international emergency; and certainly we cannot forget *that*, we would still be charged with the solution of problems that in many instances have been delayed far too long. The chaotic conditions of world affairs have multiplied the problems of our people and *to the same degree* have added to the financial burdens of our state and local governments.

I was elected governor and you gentlemen were elected to the Legislature on almost identical platforms. We all pledged economy, we all pledged aid to education, but above everything, all of us pledged "good government." I doubt if in the history of this state there has ever before been the spirit of cooperation that exists today between the Legislature and the Governor's office. Certainly you will not agree with me always—certainly I will not agree with everything that is proposed in these halls. But, four years from now, I feel certain that this same feeling of good will, will continue to exist. I have said before, and I repeat now, there will never be any "fighting" between the governor and members of this assembly. Our Constitution contemplates a complete division of the duties of the Legislature and the Governor. At the same time, part of *my* duty is to make *suggestions* to the Legislature, but, they will always be suggestions—and *not demands*. Honest differences of opinion are the backbone of democracy.

Now, let's examine our mutual problems. Every department head thinks, and rightly so, their *own* department is the most important. Yet, I believe the general feeling exists that our *main* problems are education, hospitals, our prison system and our roads. So, let's take them up in that order.

When stating the needs for education, as well as everything else, let us remember that a dollar today buys less than half of what it did ten or twelve years ago. The population of Alabama is continuing to grow. Therefore, if we had had sufficient school buildings and teachers five years ago, *which we did not*, we would automatically need more space and more teachers just to take care of the normal increase. Babies do not stay babies very long. We parents know that in all-too-short a period, our babies are ready to go to school.

Two years ago, to partly meet the increased needs of education our Legislature was fortunate enough to have on hand about sixteen million dollars accumulated in what was known as the "Income Tax Surplus." This money, apportioned for last year and this year on the basis of eight million dollars each year, temporarily eased education's financial problems. However, by this coming October, this money will be gone. Therefore, if we were to agree that education must simply not go *backward*, we would *still* have to find eight million dollars a year for each of the coming two years. In my platform I stated my unalterable opposition to any increase in taxes, with the possible exception of for education. My views are unchanged.

Since January 16, your governor has not only preached, but has practiced economy in every department under his jurisdiction. The number of regular state employees has materially decreased—over two hundred in fact, with a savings of over six hundred thousand dollars a year. The number of *temporary* employees has dropped over three hundred. My instructions have been that whenever an employee resigned, they were not to be replaced unless absolutely necessary. This practice of economy will be continued.

Nevertheless, in spite of everything we have been able to do in the way of economy, the Korean war has forced prices up and up. World conditions are something for which none of us can be blamed. Therefore, I have come to the reluctant conclusion that additional revenue must be provided by the Legislature in order to avoid a complete breakdown in our educational system. I will, in the next few days, as required by law, submit to the Legislature a budget which, while not meeting the wishes of our department heads and educators, will provide sufficient funds to enable them to adequately carry on their duties. Generally this budget will provide for additional funds to education, hospitals and prisons. Some departments will get about the same as at present. Still others will be decreased.

As you know, almost every department, with the exception of the Department of Education, obtains its money from what is known as the "General Fund." The *requests* from all departments to come out of the General Fund totaled nearly twenty-nine million dollars. If I might mention it, the Governor's office was the first to have its budget reduced. As I can see where only about twenty-one million dollars will be available for the General Fund, my recommendations will, of course, be well within this figure.

Somewhere, somehow, the upward rise in the cost of government has to stop, and if the Legislature follows my recommendations *we will* have arrived at a stopping place here in Alabama for everything except education. I do not, however, think that education can properly be classified as just a "cost of govern-

ment." Some things we can do without but to me it is our *duty* to provide an education for our children. If world conditions, over which we have no control, make that cost higher and higher each year we have no choice but to meet it. However, I urge you gentlemen to make certain that the extra money you raise for higher salaries for teachers is *actually used for this purpose*. To a teacher, new buildings cannot take the place of bread.

I also favor an adequate retirement program and a modernization of the school transportation system, and my budget will not only provide for these two necessary items, but will provide for a substantial raise in teachers salaries.

I will not, at this time, offer any specific recommendations as to a building program. That is a subject which requires far more study than the three and one-half months I have been in office. Many bills will be offered to you. None of us deny that relief is necessary, however, as to whether new buildings should be constructed on a pay-as-you-go basis or through the issuance of bonds is something to which the Legislature will want to give careful consideration.

The overcrowded conditions of our State mental hospitals and of the Medical College in Birmingham, are a shame and a disgrace. They are not only overcrowded but undermanned. Wages paid to hospital attendants are insufficient to cover the barest necessities. Here again, we are dealing with human beings and my budget will embrace a sizeable salary increase.

Next to our state hospitals, our prison system is most in need of additional funds. Very little has been spent in past years on capital improvements, but we now come to the point where something *must* be done. We have obtained federal prison experts to advise with us. Our cotton mills have been given a great deal of study. Our prison farms are going to produce more and more each year. I hope that two years from now it will be possible for me to say that no appropriation is needed for the maintenance of our prison system. I intend to make it entirely self-supporting.

However, some of the prison problems cannot even wait until next October. A new prison is needed at Atmore to take the place of the one which burned last year. Our cotton mill at Kilby is badly in need of major improvements. In addition, guards and other low salaried prison employees badly need a substantial increase in salaries. I urge you to take immediate action on a deficiency appropriation for the prison department.

Our entire Public Welfare system is being carefully studied. Legislation will be submitted to you which, if approved, will eliminate many evils which now exist. Although Alabama is not a rich state, we are spending, from all sources, nearly thirty-six million dollars a year for public welfare. Unquestionably there

are many people on welfare who should not be. This means that the money which is available is being spread thinner and thinner each month. Those who are able to take care of their aged parents and other relatives should do so. I do think it is a solemn duty of the state to make provision for its elderly and unfortunate citizens who cannot earn their own living. However, there has been in the past several years a seeming lack of family responsibility. It has just been too easy to say "Let's put Papa and Mama on relief."

On the edge of Montgomery is the vast livestock Coliseum. It was supposed to have cost only about one million dollars. The State has already invested one and one-half million dollars in it. We are now told that two million dollars more will be needed to complete it. There is no doubt but what the Coliseum is a credit to our State. Yet, with many departments of our state government having to be cut, I do not recommend a two million dollar appropriation for its completion. As the Coliseum will be mainly in the interest of agriculture, my opinion is that sufficient economies can be effected in the operation of the Department of Agriculture which will make its completion possible *over a period of years*. I have agreed with the Commissioner of Agriculture on a completion program, which if carried out, will be approved by me. Some legislation will be required.

I urgently recommend that all of the many separate publicity departments be combined under the one Division of Records and Reports. Our studies indicate that seventy-five thousand to one hundred thousand dollars per year can be saved by doing so. You may also want to consider the placing of a nation-wide advertising campaign to bring new industries and tourists to Alabama.

I recommend that the Insurance Department be made an entirely separate agency, with the Commerce Department otherwise remaining the same as at present.

In my opinion the Department of Conservation is now *completely* removed from politics. Greater love hath no man for his state than for the Governor to appoint one who did not support him, to a cabinet job. And for this reason, I repeat, the Conservation Department is now removed from politics in accordance with my promise to the people of Alabama.

I have given much thought to Alabama's \$1.50 a year poll tax, all of the proceeds from which go to education. I recommend that the "accumulative feature" of the poll tax be reduced to two years, or a total of three dollars. Many thousands of our men and women will then be able to vote without having to pay up to thirty-six dollars at one time for the privilege. Let us never forget that after all, it is our county registration boards which determine the *qualifications* of all prospective voters.

The A. B. C. Board and our Labor Department are functioning as they should. I see no need for new legislation for either.

The Merit System is now free from harassing attacks from the Executive Department, however, we have no assurance this condition will exist in future administrations. Therefore, I recommend legislation which will place the Merit System in the Constitution of Alabama.

Our Pardon and Parole Board is *now*, I know, operating properly and above suspicion. The thought held by some that "just passing a law" will correct all evils will never take the place of appointing men and women whose honesty, sincerity and loyalty are above suspicion. I do not recommend any new legislation.

On the subject of reapportionment, all that *can* be said *has* been said in the past year. The Constitution is clear on the subject. It has been definitely proven that no governor can force the Legislature to pass any reapportionment bill. But, I do say this, you who live in North, Central and South Alabama, all live in the *State* of Alabama. I say now that in all good conscience no one section of Alabama should deny equal rights and privileges to any other section of the State. The lash has been abolished in Alabama's prisons, and the lash of the governor's office toward the Legislature has also been abolished. I can only urge you to do your duty. I now urge you to do so, and it is my firm conviction that we will all soon recognize that the suspicions that one part of the state has held towards the other will prove to be unfounded. We need a *united* Alabama.

I ask that you abolish the so-called "Governor's Contingent Fund." It has been badly abused in past years. In its place I recommend the creation of a fund only for the maintenance of the governor's mansion, which after all, is state property.

Much has been said about the necessity of appropriating any money for Civil Defense. I am frank in saying that I do not have the slightest idea of how much money is needed. In fact none of us know. It is just like taking out fire insurance on your house. If the house never catches fire, all the money you have spent is wasted—but you do not dare take the chance. What is needed for Civil Defense, unfortunately, is not left to the governor, to the Legislature, to the Congress, or to the President. It is left up to Joe Stalin, and he is not talking. I recommend a reasonable amount for Civil Defense to be used in continuing the present small organization "just in case." At the same time, additional funds should be made available to be used if and when needed.

On the matter of unauthorized use of state-owned automobiles, our Department of Finance is now making an individual study to see how many cars can be disposed of without seriously affecting

the duties of any department. Nearly forty cars have already been turned in and sold. It may be that legislation will be necessary to correct this trouble. In any event, I hope no hasty action will be taken because many cars *are* necessary. However, I condemn the use of state-owned cars on Saturdays, Sundays, holidays and at night, except on official duty, and state employees are herewith put on notice that this practice will not be tolerated in the future.

I cannot, of course, in this limited time, cover every need of our state but you can be assured that careful study is being given to each problem and if and when changes are needed such suggestions will be made to you.

I said previously that roads were among our greatest problems, but here I offer you what amounts to almost a complete solution. Alabama now has more than sixty-three thousand miles of highways, roads and streets. We need a great deal more. So, let's take a look at each.

There are seven thousand five hundred miles that are maintained by our Highway Department. These are the main arteries of transportation. All other roads are either feeder roads which funnel traffic into our main system or are strictly local roads for community travel. There are about fifty-three thousand miles of local and county roads and two hundred and twelve miles of the city highway system, which is composed of streets that connect highways in cities of more than five thousand population.

However, superimposed on our Alabama system is the Federal aid primary system of roads consisting of about five thousand miles, and about ten thousand miles of the Federal aid secondary system. Then there are eight thousand, eight hundred miles of what is known as Farm-to-market roads which are constructed on a fifty-fifty basis between the state and county.

In 1944 the Federal Congress authorized the appropriation of federal aid road funds for each of the first three postwar years. To obtain these funds the state has to match the government dollar for dollar. These three years totaled twenty-nine million dollars. The Federal act provided that funds appropriated would revert to the Federal Treasury if not used or obligated in one year. To put it another way, the 1946 appropriation would revert if not used in 1947. However, materials and equipment were hard to obtain and Congress amended the act giving states an additional two years.

In 1948 and 1950, Congress authorized additional appropriation for federal aid road funds. The total road money available to Alabama since the war has amounted to sixty-five million dollars. However, in order to obtain these federal aid road funds it is necessary to furnish federal engineers with complete surveys,

complete plans, and all rights-of-way must be obtained before bids can be accepted. In the past there has been a tendency in the Highway Department to forego the trouble of making these surveys, preparing plans, or obtaining rights-of-way. The result has been the construction of many thousands of miles of roads for which the state paid *one hundred per cent of the cost*, when by careful study in advance, federal funds could have been used on a fifty-fifty basis. To put it another way, every time the state builds a road which is one hundred per cent financed by state funds only, that road has cost twice as much as it should have.

Alabama will have before the close of this year, approximately twenty-five million dollars of federal aid road funds available.

The records show that twenty-one million dollars of federal funds were not used at the close of the past administration. In fact, in the past four years the Highway Department has spent nearly nineteen million dollars for one hundred per cent state-financed roads and bridges, most of which were eligible for federal matching.

The latest figures show that Alabama ranks fifty-first in not using federal road money. The forty-seven other states, the District of Columbia, Hawaii, and Puerto Rico, have led us in this phase of the road program.

However, the time has now come that Alabama should make up its mind whether this twenty-five million dollars is going to be used or whether it will revert to the Federal Treasury. These are critical times and in Washington, Congress is looking for untold millions of dollars for National Defense. No man can foretell when Congress might take a look around and see twenty-five million dollars which is allotted to us, but not being used, and say, "Well, if Alabama is not going to use this money, we had just better recall it and use it somewhere else." Our loss in such a case would be irreparable.

Therefore, I now propose to you that the State of Alabama issue twenty-five million dollars of general obligation road bonds. This can be immediately matched by the granting of an equal amount of federal road funds already allocated to us, and we would then have available an additional fifty million dollars for putting our road system in order. The regular road program for the next four years would also be carried out.

I also recommend, as a part of this program, that automobile license tags for passenger cars be reduced to three dollars a year. Right here, you might well be saying to yourselves, "Sure, we would like to reduce automobile tags to three dollars, and we would like to have fifty million dollars made available to our highway system." You also may be saying to yourselves, "But can this be done without additional taxes." The answer is "Yes."

This matter has been under study by me for many months, both with the present Director of the Highway Department and some outstanding bond attorneys. Here, then, is *how*.

Some of our city and county officials are worried as to the possible loss of revenue to them if passenger car tags are reduced to three dollars. This can be taken care of by simply increasing the percentage the counties and cities are now receiving, from thirty percent to sixty-two percent, from the sale of automobile tags. There definitely will be no loss to them.

Then you might well ask, "How can we pay back the twenty-five million dollar bond issue without additional taxes?" Well, it just so happens in 1953 our Alabama Bridge Finance Corporation bonds will be paid up. In 1956 the Florence Bridge bonds will be paid up. In 1959 our second road bond issue of twenty-five million dollars, a thirty-year issue, will be paid up, and in 1964 the first road bond issue of twenty-five million dollars, a forty-year issue, will be paid up. Briefly, present revenues provide funds that are now being used to pay the interest and principal on the bridge bonds. Starting in 1953 this money will take care of the interest payments on the proposed new bond issue. Then starting in 1959 principal payments will begin and in 1963 these principal payments will be increased. In this way, the proposed new bond issue will pay up in about twenty or twenty-five years.

To sum up, let me repeat, this carefully thought out plan has been approved by outstanding bond attorneys as being practicable and feasible. By following it we can offer the people of Alabama an additional fifty million dollars worth of roads and the long sought after three dollar automobile tags for passenger cars. The cities and counties share of the automobile tag tax will not be reduced. In addition, all of this can be accomplished without increasing our tax burden by one single penny.

So, now I have given you my legislative program in general. I know, and you know, I cannot come to you unless invited, but the door of the Governor's office is open at any time to any legislator. A well-known actress once said "Come up and see me sometime." Now, I say to you, "Come *down* and see me *any time*."

Thank you.

ALABAMA LAWS

and Joint Resolutions REGULAR SESSION 1951

Act No. 1

H. J. R. 1—Brassell

HOUSE JOINT RESOLUTION

WHEREAS, the members of the Legislature of Alabama have the highest regard, esteem and respect for General Douglas MacArthur, and consider him one of the truly great Americans in our history, and

WHEREAS, General MacArthur formerly commanded the Eighty-fourth Brigade of which the One Hundred Sixty-seventh Infantry Regiment composed of troops from Alabama was a part and later commanded the Rainbow Division of which the One Hundred Sixty-seventh Infantry Regiment was also a part, and

WHEREAS, the members of the Legislature would deem it a signal honor and privilege to have General MacArthur address a joint session of the Legislature of Alabama, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. General Douglas MacArthur is hereby cordially invited to address a joint session of the Legislature of Alabama at any time which may be convenient to him.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to General Douglas MacArthur, and to release a copy of it to the press.

Approved May 7, 1951.
Time: 11:15 A. M.

Act No. 2

H. J. R. 3—Wallace

HOUSE JOINT RESOLUTION

WHEREAS April 26 was Confederate Memorial Day, the day appointed for commemorating those intrepid and steadfast men who gave their lives to serve with Longstreet, Johnston, Jackson, and the immortal Lee, under the sign of the "Stars and Bars" and the "Stainless Banner"; and

WHEREAS those valiant troops, outnumbered three to two, a force smaller and more poorly equipped than their opponents,

who were able to maintain an unequal conquest for four long years because of the strategic skill of their military leaders and their devotion to the Cause, sacrificed their lives fighting a defensive war on familiar soil, for the protection of their homes and our loved ones; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the passing of these heroic soldiers and sailors of the War Between the States is deeply mourned and their memory revered;—and may their graves be strewn with flowers “until time shall be no more.”

Approved May 7, 1951.
Time: 10:55 A. M.

Act No. 3

H. J. R. 6—Huey

HOUSE JOINT RESOLUTION

Be it resolved by the House, the Senate Concurring, That there is hereby created a joint committee, to consist of three Representatives appointed by the Speaker of the House, and two Senators appointed by the President of the Senate, to investigate and study the feasibility and advisability of legislation enlarging or extending the exemption of homesteads from ad valorem taxation, the Committee to report their findings and recommendations, in the form of bills or otherwise, on or before the twentieth legislative day of this session.

Approved May 7, 1951.
Time: 11:00 A. M.

Act No. 4

S. J. R. 2—Pinson

SENATE JOINT RESOLUTION

Ratifying the proposed amendment to the Constitution of the United States relating to the terms of office of the President.

WHEREAS the Eightieth Congress of the United States of America, in both houses, by a constitutional majority of two-thirds thereof, has made the following proposal to amend the Constitution of the United States:

“JOINT RESOLUTION

“Proposing an amendment to the Constitution of the United States relating to the terms of office of the President.

“RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE, CONCURRING THEREIN), That the following article is hereby

proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

“Article—

‘Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

‘Section 2. This Article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.’”

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That

1. The proposed amendment to the Constitution of the United States of America as herein shown be and the same is hereby ratified.

2. Certified copies of this resolution shall be forwarded by the Secretary of State to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved May 10, 1951.

Time: 3:25 P. M.

Act No. 5

S. J. R. 4—Wright

SENATE JOINT RESOLUTION

WHEREAS, the band of the Alabama Institute for Deaf and Blind at Talladega is a state band of which the Legislature and the citizens of Alabama are justly proud, and

WHEREAS, the Legislature looks forward with pleasure to hearing the music of this band, and

WHEREAS, the Legislature wishes to honor the band, therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. An invitation is hereby cordially extended to the band of the Alabama Institute for Deaf and Blind of Talladega to present a thirty minute program at a meeting of the members and officers of the two houses of the legislature on Tuesday, May 15th, 1951 at 10:45 A. M.

2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Bandmaster of the band at the Alabama Institute for Deaf and Blind at Talladega and to release a copy of it to the press.

Approved May 10, 1951.

Time: 3:47 P. M.

Act No. 6

H. J. R. 7—Gallalee, Pfleger, Wilkins

HOUSE JOINT RESOLUTION

WHEREAS, Act No. 51 of the 1947 Legislature to enable the State of Alabama to enter into a compact with other states for the purpose of promotion and better utilization of the fisheries of the Gulf of Mexico known as the Gulf States Marine Fisheries Compact was approved on July 1, 1947, and

WHEREAS, it was therein provided that one member of the Gulf States Marine Fisheries Commission created by said compact should be from time to time elected by the Legislature from its members, and

WHEREAS, Senator Thomas A. Johnston, III, of Mobile County, was the author of said bill, served on the preliminary committee which prepared the said compact and is now serving as the commissioner from Alabama representing the Legislature on said commission;

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate concurring, that the said Senator Thomas A. Johnston, III, be elected and designated by the legislature to serve as a commissioner on the said Gulf States Marine Fisheries Commission as provided for in said Act No. 51 of the 1947 Legislature, for a period of four years from the date of his election hereunder or until his successor shall have been elected.

Approved May 10, 1951.

Time 3:25 P. M.

Act No. 7

S. J. R. 6—Boutwell

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

WHEREAS, the Attorney General of Alabama has established a Legislative Division in the office of the Attorney General for the convenience of the members of the Legislature, to assist them in drafting legislation, and to advise with them on legal questions involved in matters pending before the Legislature; and

WHEREAS, it will better serve the convenience of the members of the Legislature for the Attorney General and the Chief of the Legislative Division in the office of the Attorney General to be able to confer with members of the legislature while the Legislature is in session;

NOW, THEREFORE, BE IT RESOLVED that the privileges of the floor of both Houses are accorded the Attorney General and the Chief of the Legislative Division in the office of the Attorney General.

Approved May 10, 1951.

Time: 3:47 P. M.

Act No. 8

H. J. R. 11—Adams of Dale

HOUSE JOINT RESOLUTION

WHEREAS, May 18 is Armed Forces Day and will be celebrated at Camp Rucker, Alabama, which is the largest military establishment in the State of Alabama, and

WHEREAS, the Governor of Minnesota will be present at Camp Rucker on Armed Forces Day to review the Minnesota troops stationed there, and

WHEREAS, the members of the Legislature wish to recognize the celebration of Armed Forces Day in Alabama and particularly at Camp Rucker, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. May 18, 1951 is hereby set aside for as many members of the Legislature as possible to visit Camp Rucker to participate in the celebration of Armed Forces Day.

2. An invitation is extended to the Governor of Alabama to visit Camp Rucker and join with the members of the Legislature in participating in the celebration of Armed Forces Day on May 18.

3. The Clerk of the House of Representatives is directed to transmit copies of this Resolution to the Governor of Alabama and to the commanding officer of Camp Rucker, and to release a copy to the press.

Approved May 10, 1951.
Time: 3:17 P. M.

Act No. 9

H. J. R. 15—Edgar

HOUSE JOINT RESOLUTION

Be it resolved by the Legislature of Alabama, both Houses thereof concurring:

1. That the Congress of the United States is hereby memorialized and petitioned to enact the legislation embodied in H. R. 3341 by Mr. Harrison of Virginia, which relates to a repeal of certain provisions of the Social Security Act so as to permit each State to make public details of its public assistance programs.

2. That a duly authenticated copy of this Resolution be transmitted by the Clerk of the House to the Speaker of the House of Representatives of the United States and to the President of the United States Senate.

Approved May 10, 1951.
Time: 3:10 P. M.

Act No. 10

H. J. R. 16—Fite (Walker)

HOUSE JOINT RESOLUTION

WHEREAS, the several states of the United States of America, by virtue of their inherent sovereignty, claim ownership to the tidelands in their offshore waters, and

WHEREAS, the ownership of the tidelands has, until recently, been recognized as an established vested interest within the respective coastal states since the foundation and establishment of the United States of America, and

WHEREAS, there is now pending before the Congress of the United States legislation which recognizes that title to the afore-said offshore submerged lands should rightly be within the several states bordering such submerged lands.

NOW, THEREFORE, be it resolved by the House of Representatives, the Senate concurring, that the Senators and Representatives from the State of Alabama in the Congress of the United States, be requested to support legislation that will place within the respective states title to offshore submerged lands.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, the Vice President, the Speaker of the House of Representatives and to each Senator and Representative from the State of Alabama.

Approved May 10, 1951.

Time: 3:07 P. M.

Act No. 11

H. 76—Dawkins, Martin, Harrison (Wilcox)

AN ACT

To make an additional appropriation to the Department of Corrections and Institutions.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Department of Corrections and Institutions out of any funds in the State Treasury not otherwise appropriated, the sum of Seven Hundred Eighty Eight Thousand Dollars (\$788,000.00) for the fiscal year ending September 30, 1951. The amount appropriated herein shall be in addition to all other appropriations to the Department of Corrections and Institutions.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 15, 1951.

Time: 2:32 P. M.

Act No. 12

H. 27—White (Covington)

AN ACT

To amend Act 124, Local Acts of 1935, p. 57, entitled "An Act To provide the Sheriff of Covington County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable in equal monthly installments from the General Funds of Covington County; to repeal 1931 Local Act and all other laws in conflict herewith," as amended by Act No. 72, H. 300, approved July 7, 1947 (Local Acts, 1947, p. 52), to provide that the additional deputy sheriff provided for by said Act shall receive a salary of not less than \$1,800 nor more than \$2,400 per annum, to be paid in twelve equal installments out of the general fund of Covington County, Alabama, the exact amount of the salary to be set within the limitations authorized by the Act by proper order of the Covington County Board of Revenue, said order fixing the salary to be duly entered by said Board of Revenue in its official minute book.

Be It Enacted by the Legislature of Alabama:

Section 1, Section One of Act No. 72, Local Acts of Alabama, 1935, p. 57, entitled "An Act To provide the Sheriff of Covington County, Alabama, an additional Deputy Sheriff to that now pro-

vided by law; to fix the salary of said Deputy and to make the same payable in equal monthly installments from the General Funds of Covington County; to repeal 1931 Local Act and all other laws in conflict herewith," as amended by Act No. 72, H. 300, approved July 7, 1947 (Local Acts, 1947, p. 52), is amended further to read as follows: "The Sheriff of Covington County, Alabama, is hereby provided an additional Deputy Sheriff to the Deputy now provided by law who shall be appointed by the Sheriff of said County, and who shall hold said office at the discretion of said Sheriff, and shall receive a salary of not less than \$1800 per annum nor more than \$2400 per annum, to be paid in twelve equal installments out of the General Funds of Covington County, Alabama; the exact amount of said annual salary to be set within the limitations already authorized within this Act by proper order of the Covington County Board of Revenue, said order fixing the amount of said salary to be duly entered by said Board of Revenue of Covington County, Alabama, in its Official Minute Book."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall take effect on the first day of the month following its lawful enactment.

Approved May 16, 1951.

Time: 4:25 P. M.

Act No. 13 H. J. R. 20—Meeks, Black, Roberson, White, (Cullman), Simpson, Denton, Roberts, Coburn, Malone (Limestone), Baker, Romine, Eslick, Reynolds (Madison), Russell

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that the President of the United States be urged to name to the Board of Directors of the Tennessee Valley Authority an outstanding Alabamian to fill the place which will become vacant at an early date.

BE IT FURTHER RESOLVED that the Clerk of the House be instructed to transmit a copy of this Resolution to each of Alabama's United States Senators and to each Congressman from Alabama and also to the President of the United States.

Approved May 18, 1951.

Time: 11:02 A. M.

Act No. 14

H. 28—Coburn

AN ACT

Relating to Colbert County, Alabama: To fix the payment of compensation to the Tax Assessor of Colbert County and Tax Collector of Colbert County for the assessing and collecting of municipal taxes for the municipalities in Colbert County, Alabama at one percent for the assessing of said taxes and one percent for the collecting of said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. That the compensation of the Tax Assessor of Colbert County and Tax Collector of Colbert County for assessing and collecting ad valorem municipal taxes for the municipalities in Colbert County, Alabama is hereby fixed at one per cent for the assessing of said taxes and one per cent for the collecting of said taxes.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall go into effect upon its approval by the Governor.

Approved May 18, 1951.

Time: 11:07 A. M.

Act No. 15

H. 88—Adams (Tallapoosa), Johnson

AN ACT

Relating to Tallapoosa County: To impose extra, new and additional duties upon members of the Court of County Commissioners and to provide additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other duties now imposed upon them by law, the following extra, new and additional duties are hereby imposed upon the members of the Court of County Commissioners of Tallapoosa County.

(a) The Court of County Commissioners shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by it, and at such other times as are now provided by law.

(b) Each member of the Court of County Commissioners shall make periodic inspections of all public roads and bridges in his district, shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the Court of County Commissioners from time to time, as are necessary to keep it informed as to the condition of the public roads and bridges in his district.

Section 2. The probate judge shall assist members of the Court of County Commissioners in the performance of the duties hereby imposed to such extent as may be necessary, but the compensation of the probate judge shall remain as now fixed by law.

Section 3. Each member of the Court of County Commissioners shall receive a salary of two hundred and fifty dollars (\$250) per month, which shall be in lieu of all fees and allowances except mileage, as now allowed by law to commissioners. The additional compensation which the commissioners receive as a result of the provisions of this Act, over and above the compensation now provided by law, is hereby declared to be compensation for the performance of the extra, new and additional duties hereby imposed upon them.

Section 4. The provisions of this Act are severable. If any part of this Act is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 5. All laws and parts of laws, general, special or local, in conflict with the provisions of this Act are repealed.

Section 6. This Act shall become effective on the first day of the first month following its passage and approval by the Governor, or its otherwise becoming a law.

Approved May 18, 1951.
Time: 11:04 A. M.

Act No. 16

H. 66—Brown, Ward

AN ACT

To authorize the sheriff of Lee County to appoint an additional deputy; and to fix the salary of the deputy.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Lee County is authorized to appoint a deputy sheriff, in addition to the deputies now provided for by law, who shall serve at the pleasure of the sheriff.

Section 2. The salary of the deputy provided for herein shall be two thousand four hundred dollars per annum, to be paid out of the county treasury in the manner other county employees' salaries are paid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1951.
Time: 12:01 P. M.

Act No. 17

H. 67—Eslick, Reynolds (Madison)

AN ACT

To amend Section 5, and Section 15 as amended, of Act No. 213, S. 434, approved April 4, 1911, entitled "An Act To establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of the justices of the peace in the said precinct, to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof," (Local Laws, 1911, p. 215).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 213, S. 434, approved April 4, 1911, entitled "An Act To establish in precinct one in Madison county, Alabama, an inferior court in lieu of all justices of the peace and notaries public with the powers of the justices of the peace in the said precinct, to be known as the inferior court of Huntsville, to define the jurisdiction and powers of said court and the judge thereof," is amended to read as follows:

"Section 5. There shall be one judge for said court learned in the law, who shall be appointed by the Governor within twenty days after the passage and approval of this Act, whose term of office shall be until the next general election of 1952. and until his successor is elected and qualified; and at such general election in 1952, and every four years thereafter, a judge of said Inferior Court of Huntsville shall be elected by the qualified voters residing within Madison County, whose term of office shall be four years. The judge of said court shall, before entering upon the discharge of the duties of his office, take the oath of office required by law to be taken by justices of the peace of this state, and enter into bond with sureties in the sum of two thousand dollars (\$2,000), conditioned as in the case of justices of the peace, which oath and bond must be filed and recorded in the office of the judge of probate in Madison County."

Section 2. Section 15 of said Act No. 250, as amended by Act No. 412, H. 837, approved August 16, 1949, is hereby amended to read as follows:

"Section 15. The judge of said court shall receive a salary of three thousand six hundred dollars (\$3,600) per annum, payable monthly by warrant drawn upon the county treasury of Madison County by the chairman of the Board of County Commissioners of said county. The clerk shall receive as compensation not more than one hundred fifty dollars (\$150) per month, to be paid out of the county treasury of Madison County on certificate issued to the clerk by the judge of said court once each month and presented to the chairman of the Board of County Commissioners of said county, who shall thereupon issue a warrant in favor of said clerk upon the county treasury of said county."

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 18, 1951.

Time: 12:06 P. M.

Act No. 18

S. 2—Richardson

AN ACT

To create and establish a Board of Revenue of Lawrence County, Alabama in the place of the present Court of County Revenues of Lawrence County now existing in said county, to consist of five members, one of whom shall be chairman of said board, and one member from each of the four districts of the county; to abolish the Court of County Revenues of Lawrence County, to divide said county into four districts, and to define the boundaries of each district; to name the members of the board from the four districts and the chairman of the board, and to fix the term of office, compensation and duties of each, and to provide for the qualifications and election of the successors to the members of the board and the chairman of the board, to provide the time and place of holding regular meetings of said board; to confer upon said board and the members and chairman thereof certain authority and power and jurisdiction and duties, and to provide for the purchase of supplies, material and equipment for the county and certain offices and officers of said county, and that the county shall not be liable for the price, value or use of any property not purchased as provided in this act, and to provide for the conduct of the business of said county and the affairs of said board, and clerical assistants to the chairman of said board, and for the payment of the compensation and allowances of the members and chairman of said board, and the clerical assistants of the chairman, and to require the Judge of Probate of Lawrence County to deliver to the chairman of said board all books, records and papers pertaining to the Court of County Revenues of Lawrence County, and to provide that said Judge of Probate shall have no official duties or functions with reference to said board or the construction and maintenance of the public roads and bridges of said county, and shall receive no compensation for any such functions and duties, and to make it unlawful to use county equipment or material for the benefit of any individual, firm or corporation, and to repeal an act of the Legislature of Alabama approved December 1, 1898 creating the Court of County Revenues of Lawrence County, Alabama, and the acts amendatory thereto, and all laws general and local in conflict with or inconsistent with the provisions of this act, and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for the County of Lawrence, in the State of Alabama, a board of Revenue hereinafter referred to as the board, to consist of five members, one of whom shall be chairman of the board; and there

shall be one member of the board from each of the four districts of the county as hereinafter divided; said board shall be known as "Board of Revenue of Lawrence County, Alabama", and shall be the governing body of said county, and the Court of County Revenues of Lawrence County, Alabama created by Act No. 18 of the Legislature of Alabama of the regular session of 1898-99, approved December 1, 1898, the present governing body of Lawrence County, Alabama, shall cease to exist upon the approval of this act, and is hereby abolished.

Section 2. That for the purposes of this act, Lawrence County is hereby divided into four subdivisions to be known as districts. That the northeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the northwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and north of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the southeast district of said county shall be that portion of Lawrence County lying east of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6; that the southwest district of said county shall be that portion of Lawrence County lying west of the line between Ranges 7 and 8 and south of the section lines which are parallel to and, approximately, one (1) mile south of the line between Townships 5 and 6. That Marvin Bendall is hereby named, designated and declared to be the member of said board from the northeast district. That R. L. Shelton is hereby named, designated and declared to be the member of said board from the southeast district. That C. D. Cameron is hereby named, designated and declared to be the member of said board from the southwest district. That B. S. Sprinkles is hereby named, designated and declared to be the member of said board from the northwest district. The members of said board from the southeast district and southwest district shall hold office until the first Tuesday after the second Monday in January, 1955, and until their successors are elected and qualified, and their successors shall be elected at the general election in November, 1954, and each four years thereafter, and their respective successors shall take office on the first Tuesday after the second Monday in January, 1955 and every four years thereafter. The members of said board from the northeast district and from the northwest district shall hold office until the first Tuesday after the second Monday in January, 1953, and until their successors are elected and qualified, such election to be had at the general election in November, 1952, and each four years thereafter, and their respective successors shall take office on the first Tuesday after the second Monday in January, 1953 and each four years thereafter.

It is the intention of this section that the members of said board from the four districts elected after the enactment of this act shall be elected for four year terms, commencing on the first Tuesday after the second Monday in January in the year following the year in which they are elected, and at said elections the members of said board shall be elected at an election in which all of the duly qualified electors in Lawrence County, Alabama shall be entitled to participate, and that two members of said board shall be elected every two years for terms of four years. All persons to be eligible to election to membership on said board as a member of said board from either of the four districts must be qualified voters of their respective districts and of the age of twenty-five years or over. The members of said board from said four districts shall devote their entire time to the business of the county, and shall each receive an annual salary of \$2,400.00, to be paid in monthly installments on the second Monday of each month, and said salary shall be the sole and only compensation, allowance or expense of any kind or character to be received by the members of said board, except that each member of said board shall provide his own transportation and shall be paid mileage for each mile travelled in discharging the duties of his office, to be computed at the rate of five cents per mile, and not to exceed fifty dollars in any one month. That Charles C. McWhorter is hereby named, designated and declared to be the chairman of said board, and shall hold office until the first Tuesday after the second Monday in January, 1957, and until his successor is elected and qualified, and as compensation for his services the chairman of said board shall receive an annual salary in the sum of \$4,500.00, to be paid in equal monthly installments on the second Monday in each month. The chairman of said board shall be at least twenty-five years of age, and shall be a qualified elector of Lawrence County, Alabama. The chairman of said board shall preside at all meetings of the board when present, and shall cast the deciding vote in all cases arising where there shall be a tie vote, shall write or supervise the writing of the minutes of all meetings of the board, and shall sign for and on behalf of the county all warrants, checks, drafts, notes, bonds, contracts, or other instruments of writing drawn against the treasury of the county, or in any way binding the county to any obligation or liability.

Section 3. The board shall hold regular meetings at the courthouse of said county beginning at 10 o'clock A. M. on the second and fourth Monday of each month, and at such meetings the business of the county shall be taken up, considered, and transacted in due order, and the meeting may be adjourned to a day certain. The chairman shall keep the minutes of the acts and proceedings of the board in a well-bound book.

Section 4. Said board shall perform all duties, and shall have and exercise all of the jurisdiction, power and authority now or

hereafter required of or granted to and conferred on courts of county commissioner, boards of revenue, or other like county governing bodies by the general laws of Alabama, except insofar as the same are or may be in conflict or inconsistent with this act; and the several members of the board shall likewise perform all the acts, services and duties required of members of the courts of county commissioners, boards of revenue, or other like bodies, by the general laws of Alabama now in force or hereafter enacted; and said board in addition to the foregoing and without any limitation thereon shall have and exercise the following jurisdiction, power, and authority, viz; (a) To levy all taxes, both general and special, authorized or required by law in the manner as is now or as may be hereafter provided by law; (b) To make adequate provision for the support and maintenance of the indigent and insane of the county; (c) To make adequate provision for preserving the public health and to this end to make contribution as it sees fit to any hospital or similar institution within or without the county for charity patients who are resident citizens of the county and to take such action as may be necessary or appropriate to prevent, control, cure and eradicate all disease and causes thereof and to provide for the quarantine of persons suffering from infectuous or contagious disease; (d) To supervise, oversee, manage, repair, maintain, and control all property of the county including the courthouse and jail, and to furnish all necessary light, heat, and janitor service therefor, and to supply to the several officers of the county such stationery and supplies as may be necessary for the proper handling of the business of the county; (e) To locate, construct, supervise, repair and maintain and have control of the public roads, highways and bridges of the county; (f) To employ or retain an engineer, auditor and attorney, and prescribe the duties and fix the compensation of each; (g) To examine, audit, and allow or disallow, settle, and pay all claims and demands against the county.

Section 5. Each member of the board elected from the four districts is hereby constituted and appointed supervisor of all public roads within the district in which he is elected and it shall be his duty to supervise, inspect, and superintend all work done on the public roads within his district, to appoint overseers and cause all road hands and work to be apportioned to the several roads within his district. It shall be the duty of each member of the board from the four districts of the county within thirty days after the approval of this act, and in each December thereafter to file with the chairman a sworn statement and inventory of all the equipment, machinery and property of the county in his custody or under his control.

Section 6. The board shall fix a wage and salary scale for all employees engaged in connection with the construction, repair and maintenance of the public roads of the county, which shall

be entered on the minutes of the board, and such wages and salaries shall be uniform throughout the county.

Section 7. All purchases of all books, stationery, paper, blanks, blank forms, blank books, supplies, appliances, fixtures, furniture, typewriters, and all other equipment required by the probate judge, sheriff, register, clerk of the circuit court, county superintendent of education, tax collector, tax assessor, and board of revenue, or the chairman thereof, for their respective offices, and all supplies, material, appliances, equipment, machinery, lumber, tools, dynamite, grease, gasoline, fuel oil, cylinder oil, motor oil, cement, crushed stone, rock, sand, gravel, asphalt, graders, tractors, trucks, automobiles, rollers, terracing machines, rock crushers, culvert pipe, and all other road machinery, road-building appliances, equipment and materials used by any member of the board in his district, or by the board as a whole, or by the county, or any officer or agent of the county, and also supplies of any kind or description, materials, appliances, equipment, fuel and coal for the county courthouse, jail, and any other county building, and any county officer, shall be made by the chairman of the board upon order of the board made and entered upon the minutes of the board at a regular meeting of the board held on Monday in the manner hereinafter prescribed. Such order of the board directing the chairman to make a purchase or purchases shall specify the article or articles to be purchased, the number or quantity thereof, and shall contain a specification and description thereof sufficient to enable the chairman to give the notice hereinafter required requesting bids for such article or articles. Within two days after such order of the board, that is, on or before the Wednesday following, the chairman shall post upon a bulletin board to be situated immediately inside or outside his office in the courthouse a notice, called a purchase notice, which shall state that the board has ordered the purchase of the article or articles described in the order of the board, for delivery at a place or places to be specified in said notice, and that sealed bids therefor will be received by the chairman during the seven days immediately succeeding, unless the board in its order provide that a longer time be specified as the time within which bids will be received. All purchase notices shall be numbered consecutively and shall be made out in duplicate, and one copy thereof shall be retained by the chairman in his office as a permanent record and shall contain a certificate of the chairman as to the date of the posting of the other copy thereof upon the bulletin board. At the expiration of the time fixed for receiving bids, the chairman shall open the bids and shall accept the lowest responsible bid, and shall issue a purchase order signed by him to the successful bidder; provided, however, that the chairman shall have the right to obtain additional sealed bids within the time fixed for receiving bids in such manner as he may desire, and shall have the right to reject all bids if satisfied that they are

unreasonable; and provided further that the chairman shall report his action whenever all bids are rejected, to the board at its next meeting, together with the bids rejected, and thereupon the board may either accept the lowest responsible bid rejected by the chairman and order him to issue a purchase order in accordance therewith, or may direct the chairman to obtain other and further bids in the manner hereinabove provided. All sealed bids received by the chairman shall be opened in his office and shall be open to public inspection as opened, and the opening of bids shall commence at 10 o'clock A. M. on the Wednesday following the date on which invitations to bid were posted. All purchase orders shall be numbered consecutively and shall be made out in triplicate, and shall state the number of the purchase notice pertaining thereto, and shall contain a description of the property to be purchased, the price therefor, the place where delivery is to be made, and such other matter as the chairman prescribes. One copy of said purchase order shall be delivered to the seller and one copy thereof shall be forwarded by the chairman to the person who in behalf of the county is to receive the property purchased, and the other copy shall be retained by the chairman in his office. The person who is to receive the property purchased in behalf of the county shall upon receipt thereof, endorse upon the copy of the purchase order forwarded to him by the chairman, upon a form to be prescribed by the chairman, the facts as to whether or not all of the property described in said purchase order was received by him, and as to the condition in which the same was received, and shall deliver said copy to the chairman within five days after the receipt of the property involved. Every claim filed against the county for the purchase price or value of any of the goods or articles hereinabove specified, shall state the number of the purchase order pertaining to said claim. Neither the chairman nor the board shall have authority to accept any bid unless at the time of accepting the same the county has funds on hand sufficient to pay for the same.

Section 8. Any and all contracts made and entered into to purchase, or purchases made by the board or any member of the board, or any officer or agent of the county, of any of the property specified in the preceding section shall, except as herein otherwise provided, be null and void, and it shall be unlawful for a warrant to be issued in payment of the same unless such property shall have been purchased as provided in the preceding section and unless the steps provided in said section preliminary to making any purchases shall have been had, and the said county of Lawrence shall not be liable in any form of action, or suit, whatsoever for the price or value or use of any such article or property sold or delivered to it or to any of its officers or agents in violation of the preceding section.

Section 9. After the approval of this act, no lease-sale contract, or contract for the rental or hire of any of the property

mentioned in Section 7 of the act shall be made by the board, or any member thereof, unless such contract be authorized by resolution or order of the board made at a regular meeting of the board, and entered on its minutes, which resolution or order shall be made only upon the favorable vote of all members of the board, including the chairman, attending the meeting. Such order or resolution of the board must have been passed before the delivery of the property involved and otherwise shall be void. Any and all lease-sale contracts, or contracts for the rental or hire of any such property, not made in conformity with the foregoing provisions shall be null and void and it shall be unlawful for a warrant to issue in payment of the rental or hire or use thereof and the said County of Lawrence shall not be liable in any form of action or suit whatsoever for the rental or hire or use of any of such property except under and by virtue of an express contract made as provided in this section.

Section 10. Gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, or either of them, may be purchased in the manner provided in Section 7 of this act, or the board may enter into contracts for the purchase of the same, which contracts shall contain such terms as the board may desire, provided that bids for such contracts shall be procured in the manner provided in Section 7 and the contracts let by the chairman to the lowest responsible bidder or bidders. The board may make one or several contracts for the purchase of said articles for concurrent terms, and the member of the board using or desiring any of such items may order the same from any person with whom the county has entered into a contract for the purchase of the same.

Section 11. Each member of the board shall have authority in emergencies, and in cases where work on the roads within his district would otherwise be unduly delayed, to purchase such materials and equipment as may be needed to properly perform the work on the roads within his district without order of the board, and without compliance with the provisions of Section 7 of this act; provided that the cost of any such material or equipment purchased shall be reasonable and shall not exceed the sum of \$100.00 in any instance. Each member of the board shall likewise have authority to have any road machinery or equipment used on the public road within his district repaired without an order of the board authorizing the same, provided that the county shall not be liable in any event for more than the reasonable cost of any such repairs, any agreement of any member of the board to the contrary notwithstanding. Each member of the board making a purchase under the provisions of this section shall make out a purchase order in triplicate which shall state the property purchased, the price therefor and from whom purchased, and the number of his district, and all such purchase orders shall be numbered consecutively, and one copy thereof shall be delivered to the seller, one forwarded to the chairman for filing and one

retained by the member of the board issuing the same, and all claims against the county on account of any such purchase shall state the number of the district for which such property was purchased and the number of the purchase order pertaining thereto, and all such claims shall be null and void unless such purchase order shall have been duly issued.

Section 12. The chairman shall have charge of the equipment and fixtures contained in the courthouse, jail and other public buildings and offices of the county, and shall have authority to cause repairs to be made to said buildings and to the equipment and fixtures therein without order of the board, and the county shall be liable for the cost of the same, not to exceed, in any event, more than the reasonable value of such repairs. The chairman shall also have authority to purchase medicine and medical supplies and arrange for medical attendance for the prisoners in the county jail, and also to contract for the burial of paupers and the county shall be liable for the reasonable cost of the same without regard to Section 7 of this act. Stamps, electricity, water, and telephone service, or any other service furnished by a public utility whose rates are regulated by law, may be provided for the public offices and buildings of the county by the board without regard to the provisions of Section 7 of this act. The chairman of said board shall also provide janitor service for the courthouse of said county. The chairman of said board shall also have charge and supervision of the county garage and shop and its records, and of the employees of the garage and the authority to employ, discharge and fix the compensation of employees working in the garage and shop.

Section 13. The chairman of the board shall keep all books and records herein required, as well as the books and records required to be kept by the general laws of this state, as well as such as he may deem advisable to properly and correctly reflect the business and financial condition of the county. The chairman is hereby authorized to employ clerical and stenographic assistants to aid him in the performance of his duties, and to fix the compensation to be paid therefor. The chairman shall as soon as practical after the approval of this act purchase for the county a suitable bulletin board upon which to post purchase notices and also such books, records, stationery, blanks and forms, as may be necessary or proper for the conduct of the business of the county in accordance with the provisions of this act, and the reasonable purchase price of the same shall be a claim against the county and shall be paid without regard to the provisions of this act respecting purchasers. The board shall provide for itself and for the chairman suitable office space in the courthouse, and shall obtain an official seal containing the name of the board and the words "Official Seal", which shall be kept by the chairman. The office of the chairman shall be kept open from 9 o'clock A. M. to 4 o'clock P. M. on all days except holidays, and except on one

day during each week to be designated by the board, on which day said office shall be open from 9 o'clock A. M. until noon, and the chairman shall devote his entire time to the duties of his office.

Section 14. Each successor to the chairman of the board herein named shall hold office for a term of six years. A chairman of said board shall be elected by the qualified electors of Lawrence County at the general election in November, 1956 and every six years thereafter, and shall take office on the first Tuesday after the second Monday in January following his election.

Section 15. Each member of the board from the four districts before entering upon the duties of his office shall make and file with the clerk of the circuit court of said county an oath of office and bond in the penal sum of \$5,000.00, payable to Lawrence County, with sufficient security to be approved by the clerk of the circuit court. The chairman of said board before entering upon the duties of his office shall make and file with the clerk of the circuit court of Lawrence County, Alabama an oath of office and bond in the penal sum of \$25,000.00, payable to Lawrence County, with security to be approved by the clerk of said circuit court. Said bonds shall be conditioned for the faithful performance of the duties of the respective offices and shall be recorded as required by law, and the reasonable premiums therefor shall be paid by Lawrence County.

Section 16. Any vacancy in the office of member of the board from either of the four districts, and in the office of the chairman of said board, shall be filled by appointment of the governor for the unexpired term.

Section 17. The salaries of the chairman and the salaries and mileage of the members of said board from the four districts of the county may be paid either out of the general fund of the county or out of the moneys received by Lawrence County from the State of Alabama as its portion of the tax levied by the state on gasoline and other motor fuels and oils, as the board may determine, it being determined by the legislature that the payment of said salaries and mileage is a reasonable and just allocation of the cost of operating said board with respect to the maintenance and repair of public roads in said county, and by reason thereof properly payable out of such taxes. The salary and compensation of the clerical assistants to the chairman shall be paid out of the general fund of the county.

Section 18. Lawrence County shall not borrow any money nor shall it sell or issue any tax anticipation warrants nor pledge any future taxes without the affirmative vote of at least three of the members of the board from the four districts, and the affirmative vote of the chairman of the board.

Section 19. The Judge of Probate of Lawrence County, Alabama shall deliver to the chairman of the board all books, records,

papers and documents of and pertaining to the Court of County Revenues of Lawrence County, Alabama, and after the effective date of this act the said Judge of Probate shall not have or perform any further duties or functions with reference to the governing body of Lawrence County, or with reference to the construction or maintenance of roads and bridges in said county, nor shall he be entitled to any compensation for any such functions and duties.

Section 20. No county equipment or material shall be used for the benefit of any individual, firm or private corporation, either for a consideration or otherwise, and any member of the board or employee of the county who violates this section of this act shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than two years and not more than ten years.

Section 21. The act of the Legislature of Alabama approved December 1, 1898, which created the Court of County Revenues of Lawrence County, Alabama, and all local acts of the Legislature of Alabama amendatory thereof, and all other acts, local and general, in conflict with the provisions of this act or inconsistent therewith, are hereby repealed insofar as the same apply to Lawrence County.

Section 22. This act shall be effective on the first day of the month following its passage and approval by the governor, or upon its otherwise becoming a law.

Approved May 18, 1951.

Time: 12:35 P. M.

Act No. 19

S. 5—Foster

AN ACT

To authorize and direct the governing body of Madison County to provide for the employment of a deputy clerk in the office of the Clerk of the Circuit Court of Madison County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Madison County is hereby authorized and directed to provide sufficient funds monthly from the county treasury for employment of a deputy clerk in the office of the Clerk of the Circuit Court of the County. The deputy clerk shall be appointed by the Circuit Clerk, and the governing body of Madison County shall fix the deputy clerk's salary at not more than one hundred fifty dollars (\$150.00) per month, said salary to be paid from the general fund of the County.

Section 2. This Act shall take effect immediately upon its pas-

sage and approval by the Governor, or upon its otherwise becoming law.

Approved May 21, 1951.

Time: 3:05 P. M.

Act No. 20

S. 40—Skidmore

AN ACT

For the relief of James Walter Robertson.

WHEREAS, James Walter Robertson, while in the course of his employment by Tuscaloosa County, on September 2, 1947 received an injury which resulted in the loss of his left eye on September 12, 1947, and as a consequence thereof he is permanently partially disabled, THEREFORE

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Tuscaloosa County is authorized and directed to pay out of any funds in the county treasury not otherwise obligated or appropriated the sum of eighteen hundred dollars (\$1800) to James Walter Robertson as compensation for the loss of his left eye in the course of his employment by Tuscaloosa County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1951.

Time: 3:01 P. M.

Act No. 21

S. 42—Boutwell and Hollis

AN ACT

To provide for auditing and re-classifying positions in the civil service of the State; authorizing the State Personnel Board and State Personnel Director to employ expert assistance and making an appropriation for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Personnel Board and the State Personnel Director are hereby authorized and directed to retain the services of a qualified agency outside the state service to ascertain and record the duties of each position in the civil service of the State, and, after consultation with appointing authorities and principal supervising officials, to recommend to the Board any changes in the present classifications of positions governed by the Merit System Act that may be necessary, together with rules for putting suggested changes into effect.

Section 2. In approving suggested changes in the classification plan and rules for effecting them, the Board shall consider the effect upon the incumbents in various positions and shall make rules that will, whenever practicable, avoid or defer changes that might result in reduction of compensation for any permanent employee.

Section 3. When correct classifications for all positions have been ascertained, each position in the classified state service shall be identified with respect to work assignment and location, and appropriate records thereof maintained in the State Personnel Department.

Section 4. It shall be the duty of all employees and the heads of all state departments and agencies to cooperate with the Personnel Board, the Personnel Director, and their representatives by furnishing such information as may be required to carry out the purposes of this Act.

Section 5. There is hereby appropriated of any funds in the state treasury not otherwise appropriated the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, to defray the cost of retaining a qualified agency to do the work herein described, and for no other purpose.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1951.

Time: 3:10 P. M.

Act No. 22

S. 68—Thagard

AN ACT

To appropriate an additional ten thousand dollars (\$10,000) to the Alabama Milk Control Board for the fiscal year ending September 30, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Milk Control Board in addition to all other funds heretofore appropriated to it for the fiscal year ending September 30, 1951 the sum of ten thousand dollars (\$10,000).

Section 2. The appropriation herein made shall be paid solely out of the funds in the Alabama Milk Control Board Fund, and all the expenditures under this appropriation shall conform to

Article 3, Chapter 4 of Title 55 of the Code of Alabama 1940 and shall be limited in expenditure to the amount hereinabove set out.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 21, 1951.

Time: 3:00 P. M.

Act No. 23

S. 71—Sollic

AN ACT

To authorize the reproduction of any writing or record, made as a memorandum or record of an act, transaction, occurrence or event made in the regular course of any business by photostat, photographic, or microphotographic plate or film; providing for the admissibility in evidence of said photostat, plate or film or prints from such photographic or microphotographic plate or film, whether enlarged or facsimile; declaring a presumption of correctness of such reproduction; providing for preservation, inspection, and other rights and duties in reference to records so reproduced; defining the terms "business" and "records."

Be It Enacted by the Legislature of Alabama:

Section 1. *Records may be photostated, photographed, or microphotographed.* Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event, if it was made in the regular course of any business, and it was in the regular course of the business to make such memorandum or record at the time of such act, transaction, occurrence, or event, or within a reasonable time thereafter, may be photostated, or it may be photographed or microphotographed on plate or film, and such photostat, photographic, or microphotographic plate or film, or prints thereof, whether enlarged or not, shall be deemed to be an original record, and shall be admissible in evidence in proof of said act, transaction, occurrence, or event, in all instances that the original record might have been admissible, and shall be presumed to be a true and correct reproduction of the original record it purports to represent. All other circumstances of the making of such writing or record, or of such photostat, photographic or microphotographic plate or film or prints thereof, whether enlarged or not, including lack of personal knowledge by the entrant or maker, may be shown to affect its weight, but they shall not affect its admissibility.

Section 2. *Preservation and Inspection of Reproduced Records.* Whenever any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event has been photostated, photographed or microphotographed on plate or film, any party having the right to have the original record pre-

served or to an inspection of the original writing or record or other rights in connection therewith shall have the same rights as to the photostat, photographic or microphotographic plate or film or prints made therefrom, in the event the original is not available, and the custodian of such plate or film shall provide for the ready location of particular records so reproduced on plate or film and shall provide a projector or other convenient means for viewing the records so reproduced by those entitled thereto and said custodian shall furnish a legible print or copy of such plate or film to such persons as are entitled to a copy of the original record. Nothing herein contained shall be construed to allow the destruction or other disposition of original records which by statutory enactment now are, or hereafter may be, required to be preserved for inspection or for other purposes.

Section 3. *Definitions.* For the purposes of this Act, the term "business" shall mean and include any private business, industry, profession, occupation, or calling of any kind. The term "record" or "records" as used herein shall mean and include any writing or record as described in Section 1 of this Act heretofore made or which may be made after the approval of this Act.

Section 4. This Act shall become effective upon approval by the Governor or upon its otherwise becoming a law.

Approved May 21, 1951.

Time 2:55 P. M.

Act No. 24

H. J. R. 24—Mathews

HOUSE JOINT RESOLUTION

WHEREAS:

The Talladega School for the Blind has just given a splendid concert to the Legislature of Alabama, and

WHEREAS:

Said school is doing a very worthy service to the physically handicapped, blind, etc, and

WHEREAS:

These handicapped students of said school are being taught various trades, now therefore

BE IT RESOLVED

That this Legislature hereby, urge all county superintendents of education and other state agencies using brooms, and other similar articles, to patronize the Talladega School for the Blind in the purchase of all such materials manufactured by said school.

BE IT RESOLVED, FURTHER,

A copy of this resolution be sent forthwith to the Senate.

Approved May 21, 1951.

Time: 2:50 P. M.

Act No. 25

H. J. R. 26—Adams (Dale)

HOUSE JOINT RESOLUTION

Whereas, the daughter of Representative Jack Hankins died on May 12, 1951, and

Whereas, the members of the Legislature are deeply grieved over the loss suffered by their esteemed colleague, Representative Hankins, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The members of the Legislature hereby extend their heart felt sympathy to Representative Jack Hankins upon the loss of his daughter.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Representative Hankins.

Approved May 21, 1951.

Time: 2:40 P. M.

Act No. 26

H. 154—Adams (Jefferson), Meeks, Huey,
and Morgan (Jefferson)

AN ACT

To apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census and to empower and authorize the county commission, board of revenue, or like governing body of all such counties to authorize and approve a monetary allowance not to exceed the sum of fifty dollars monthly to be made to any of the members of such governing body for and on account of the use of an automobile owned or controlled by said member of such governing body in the event such automobile is used by such member of such governing body, partially or entirely, in connection with the performance of his official duties as a member of such governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in and only in counties in Alabama having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal census. From and after the effective date of this Act, the county commission, board of revenue or like governing body in such counties are hereby au-

thorized and empowered to authorize and approve a monetary allowance not to exceed the sum of fifty dollars monthly to be made to any of the members of such governing body for and on account of the use of an automobile owned or controlled by a member of such governing body in the event such automobile is used by such member of such governing body, partially or entirely, in connection with the performance of his official duties as a member of such governing body.

Section 2. All laws and parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall take effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved May 22, 1951.

Time: 5:05 P. M.

Act No. 27

H. 213—Wesley, Taylor

AN ACT

To create and establish in Butler County, in lieu of the county court and the juvenile court, a court of record with county-wide jurisdiction of certain criminal cases and certain civil actions, causes, matters, proceedings, and cases; defining its jurisdiction and authority; providing it with officers and prescribing their duties and authority; regulating its procedure; and fixing the costs and charges collectible therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Inferior court created. There is hereby established in Butler County a court with county-wide jurisdiction of criminal cases and civil actions, as hereinafter provided, which court shall make final records in all cases except cases cognizable before justices of the peace. The court shall be known as "The Inferior Court of Butler County, Alabama." It shall be in lieu of the county court and the juvenile court, both of which are hereby abolished.

Section 2. Jurisdiction. (a) Except as provided in Subsection (b), the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings, and cases (including bastardy proceedings, and actions for unlawful detainer and for the recovery of possession of land without limitation as to the value of the property involved), cognizable before the circuit court, or a county court, or the juvenile court, or justices of the peace, or courts created in lieu thereof, and all courts of like jurisdictions. It shall have authority to exercise general superintendence of justice courts, and to punish contempts by fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure, and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and

lawmade rules governing the practice and procedure of courts of record. (b) The court shall not have power to try persons charged with felonies. It shall not have jurisdiction of actions of ejectment or of any civil action when the matter or sum in controversy exceeds \$500.00, nor take cognizance of any matter or proceeding in equity, except suits involving the custody of children. (c) The judge of the court shall have and exercise preliminary jurisdiction in felony cases, and the clerk and the clerk's deputy shall have power to take complaints and issue warrants in preliminary proceedings commenced in said court.

Section 3. Judge. (a) A judge of the court herein established shall be elected by the qualified electors of the county at the general election of 1952, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified. (b) Immediately after the passage of this Act, the Governor shall appoint and commission a judge of the court herein established, who shall hold office until his successor is elected or appointed as provided herein. (c) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Butler County, learned in the law, and has been licensed to practice law in this State for two years. The judge and his partner shall not practice law in the court herein established, nor participate in any case appealed from such court, but they shall be free to practice in all other courts and engage in the general practice of law. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution. (d) The judge shall receive an annual salary of \$2400.00 payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid. (e) The judge shall have authority to: 1) grant writs of certiorari, supersedeas, quo warranto, mandamus, and all other remedial and original writs which are granted by the circuit judges; 2) grant writs of injunctions and ne exeat; 3) administer oaths and take acknowledgements; 4) issue search warrants; 5) exercise such other powers, jurisdiction, or authority as may now or hereafter be conferred by law upon circuit judges, judges of juvenile and county courts, and justices of the peace. Provided, however, the judge shall not have or exercise the powers, jurisdiction, or authority of equity courts except in suits involving the custody of children. (f) The judge shall be provided, at the expense of the county, with such office supplies, stationery, stamps, and other materials as may be necessary for the transaction of the business of the court. (g) In the event the judge is disqualified or unable to act, a special judge shall be appointed

as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code.

Section 4. Sessions. (a) Sessions of the court shall be held at the county courthouse, and the court shall be open at all times for the transaction of business. Regular sessions shall be held on the first Monday in each month for the trial of criminal cases, and on the third Monday in each month for the trial of civil actions at law. Special sessions may be held at such times as the judge shall designate in orders spread upon the minutes. Sessions may continue so long as may be necessary for the court to complete its business. (b) The Sheriff shall attend the sessions of the court in person or by deputy and shall receive the same compensation therefor which he is now allowed for attending sessions of the County Court and of the Circuit Court. He shall execute all writs and processes of the court, and perform such other duties as he may be required to perform in the circuit court.

Section 5. Practice and Procedure. (a) The court shall have three divisions, namely, law, criminal, and juvenile. Except as otherwise provided in this Act, the practice and procedure of the court as to parties, trial, competency of witnesses, admissibility of evidence, regulation of suits, and the time within which suits may be brought shall be governed by the statutes and rules of practice and procedure governing the circuit courts. (b) In civil actions at law when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within twenty days.

Section 6. Juries. The court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

Section 7. Costs. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts. (b) In addition to the fees for witnesses, the court shall have authority to tax costs for the use of the county as follows: 1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00), the same as in justice courts; 2) in every other civil action at law, the same as in the circuit court; 3) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice courts; 4) in every other criminal case, the same as in county courts. (c) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dol-

lars (\$100.00). In every other civil action at law, and in every criminal case, a trial tax of three dollars (\$3.00) shall be collected for the use of the county. (d) No costs shall be taxed in juvenile cases.

Section 8. Criminal prosecutions. (a) No prosecution shall be commenced in such court except upon sworn complaint made to either the judge or the clerk or the clerk's deputy, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty. When the accused is arrested, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused. (b) The county solicitor shall, without additional compensation, prosecute for the State all criminal cases commenced in such court. In the event the county solicitor is absent or disqualified, the judge shall appoint a special prosecutor, who shall be paid twenty-five dollars (\$25.00) for each day he is called upon to serve.

Section 9. Appeals. Any party aggrieved by a judgment, order, or ruling of the court may appeal the decision as herein provided. 1) If the case is a civil case, the appeal lies to the circuit court and shall be governed by Article 6 of Chapter 8, Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Article 1 of Chapter 3, Title 13 of the 1940 Code. 2) If the case arises under the Court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by Sections 371 and 372 of Title 13 of the Code of 1940. 3) In every criminal case, the appeal lies to the circuit court and shall be governed by Section 349 of Title 13 of the 1940 Code, or to the Court of Appeals and shall be governed by Section 90 of Title 13 of the 1940 Code.

Section 10. Judgments. The party in whose favor a judgment is rendered shall have all the rights, remedies, and privileges with respect to the registration and enforcement thereof as are provided in Chapter 11 of Title 7 of the 1940 Code.

Section 11. Clerk. (a) The Clerk of the Circuit Court of Butler County shall be ex officio clerk of the court herein established. He shall have power to appoint a deputy clerk and delegate to him such authority as may be necessary to carry out the provisions of this Act. The clerk shall have authority to purchase at county expense such records, stationery, office supplies, and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the Court. (b) It shall be the duty of the clerk to keep all the records, files, and dockets of the court in an orderly

manner and to perform all other duties required by the judge. (c) The clerk shall have power and authority: 1) to administer oaths and take acknowledgements and affidavits; 2) to sign and issue all processes issuing out of the court, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments, and releases; 3) to approve bonds in civil and criminal cases; 4) to enter all judgments, orders, and decrees of the court; 5) to certify all appeals and transcripts; 6) to exercise all powers and authority which are now or may be hereafter conferred on clerks of the circuit courts.

Section 12. Transfer of pending cases. All cases and actions pending in the county court on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court, this court shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 13. Severability. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 14. Repealer. All laws in conflict with this Act are repealed to the extent of the conflict.

Section 15. Effective date. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1951.

Time: 3:47 P. M.

Act No. 28

H. 18—Merrill

AN ACT

To repeal Section 20 of Title 41 of the Code of Alabama (1940), which relates to the dueling oath.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 20 of Title 41 of the Code of Alabama (1940) is hereby repealed.

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 23, 1951.

Time: 3:52 P. M.

AN ACT

To provide for the receiving as prima facie evidence in any court, office, or other place in this State, official findings, records, reports, or certified copies thereof, of death, presumed death, missing or other status, issued by the Secretaries of Defense, Army, Navy, Air Force and other Federal officers and employees; and to provide that for the purposes of this act any finding, record or report or duly certified copy thereof, purporting to have been signed by such officer or employee of the United States shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his or her authority, and if a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority to so certify.

Be It Enacted by the Legislature of Alabama:

Section 1. A written finding of presumed death, made by the Secretary of Defense, Secretary of the Army, Secretary of the Navy, Secretary of the Air Force, or other officer or employee of the United States authorized to make such finding, pursuant to the Federal Missing Persons Act (56 Stat. 143, 1092, and 58 Stat. 679; 50 U.S.C. App. Supp. 1001-17), as now or hereafter amended, or a duly certified copy of such finding, shall be received in any court, office or other place in this state as prima facie evidence of the death of the person therein found to be dead, and the date, circumstances and place of his disappearance.

Section 2. An official written report or record, or duly certified copy thereof, that a person is missing, missing in action, interned in a neutral country, or beleaguered, besieged or captured by an enemy, or is dead, or is alive, made by any officer or employee of the United States authorized by the Act referred to in Section 1 or by any other law of the United States to make same, shall be received in any court, office or other place in this State as prima facie evidence that such person is missing, missing in action, interned in a neutral country, or beleaguered, besieged, or captured by an enemy, or is dead, or is alive, as the case may be.

Section 3. For the purpose of Section 1 and Section 2 of this Act any finding, report or record, or duly certified copy thereof, purporting to have been signed by such an officer or employee of the United States as is described in said Sections, shall prima facie be deemed to have been signed and issued by such an officer or employee pursuant to law, and the person signing same shall prima facie be deemed to have acted within the scope of his authority. If a copy purports to have been certified by a person authorized by law to certify the same, such certified copy shall be prima facie evidence of his authority so to certify.

Section 4. If any provision of this Act or the application thereof to any person or circumstances be held invalid, such in-

validity shall not affect any other provision or application of the act which can be given effect without the invalid provision or application, and to this and the provisions of this act are declared to be severable.

Section 5. All laws and parts of laws in conflict herewith are hereby repealed.

Section 6. This act shall become effective on its passage and approval by the Governor or its otherwise becoming a law.

Approved May 23, 1951.

Time: 3:50 P. M.

Act No. 30

H. 21—Merrill

AN ACT

To Amend Section 134 of Title 21 of the Code of Alabama of 1940, Which Relates to Settlements of Guardians.

Be It Enacted by the Legislature of Alabama:

Section 134 of Title 21 of the Code of Alabama of 1940 is amended to read as follows:

Section 134. (8207) (4434) (2344) (2459) Final Settlement.—On the death, resignation, or removal of the guardian, or on the expiration of his authority otherwise, or on the arrival of the ward at full age, or on his restoration to sanity, or on his death, or on the marriage of the ward, if a woman and eighteen years of age or older, or becomes eighteen years of age after marriage or after becoming a widow, a final settlement of the guardianship must be made; such settlement in the event of the death of the guardian to be made by his personal representative.

Approved May 23, 1951.

Time: 4:10 P. M.

Act No. 31

H. 22—Merrill

AN ACT

To amend Section 196, Title 13, Code of Alabama (1940), which relates to the offices of the circuit clerks and vacancies in such office.

Be It Enacted by the Legislature of Alabama:

Section 196, Title 13, Code of Alabama (1940) is hereby amended to read as follows: "The offices of the circuit clerks shall be at the courthouses of their respective counties. Vacancies in such office shall be filled in accordance with Section 165 of the Constitution, and where there is more than one circuit judge in the circuit, the vacancy shall be filled by the presiding judge."

Approved May 23, 1951.

Time: 4:05 P. M.

Act No. 32

H. 24—Merrill

AN ACT

To Amend Section 284 of Title 13 of the 1940 Code, Which Relates to Decrees of Probate Courts.

Be It Enacted by the Legislature of Alabama:

Section 284, of Title 13, of the 1940 Code is amended to read as follows:

“At the time of settlement, either partial or final, by a guardian of a beneficiary of the United States Veterans Administration, and upon request of counsel of such agency, it shall be the duty of the judge of probate in whose court the settlement is had and passed to furnish to the United States Veterans Administration a certified copy of the decree of the said court on the guardian's settlement without cost to said United States Veterans Administration. For furnishing such certified copy the judge of probate is authorized to collect from the guardian the fee now allowed by law for furnishing a copy of such decree on settlement by a guardian.”

Approved May 23, 1951.

Time: 4:05 P. M.

Act No. 33

H. 70—Scruggs, Beatty

AN ACT

To amend Sections 4 and 5, Title 32, Code of Alabama (1940), relating to the length of legislative sessions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4, Title 32, Code of Alabama (1940) is amended to read as follows: “The legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. They shall next convene in regular sessions on the first Tuesday in May of 1943, and on the first Tuesday in May in each second year thereafter, which sessions shall not continue longer than thirty-six legislative days.”

Section 2. Section 5, Title 32, Code of Alabama (1940) is amended to read as follows: “No special session of the legislature after the second Tuesday in January, 1943, shall continue for longer than thirty-six legislative days.”

Approved May 23, 1951.

Time: 4:06 P. M.

Act No. 34

H. J. R. 28—Beatty

HOUSE JOINT RESOLUTION

Whereas there exists long accepted regulations and customs of the Service in respect to the proper display of the national colors and flags when flown from flag staffs and:

Whereas it has been noted that colors and flags flown from the flag staff on the dome of the State Capitol have not been flown or displayed in accordance with regulations and custom in that, to wit: The halyards used to raise and lower colors and flags stand at an angle of approximately 45 degrees from the top of the flag staff to a point some 100 feet or more distant on the roof on the north wing of the Capitol instead of falling perpendicular along the flag staff from top to bottom as prescribed by regulation and custom. Therefore, be it resolved by the House of Representatives, the Senate concurring:

(1) That his Excellency, the Governor, be requested to direct those in supervision of the raising and lowering of colors upon the flag staff on the dome of the Capitol to strictly observe appropriate army regulations and custom in respect to the display of the national colors and flags.

(2) That if necessary to have personnel charged with the duty of raising and lowering flags properly instructed in such duties the Governor then be further requested to order an officer of the Adjutant General Department to direct and supervise such instruction.

(3) That a copy of this Resolution be placed upon the Governor's desk for such action as he may deem fit in the premises.

Approved May 23, 1951.

Time: 3:53 P. M.

Act No. 35

S. J. R. 10—Boutwell

SENATE JOINT RESOLUTION

Resolved that House Bill Number 76 be known and designated as the Phillips, Reneau, Dawkins, Martin and Harrison (Wilcox) Bill.

Approved May 23, 1951.

Time: 3:54 P. M.

Act No. 36

S. J. R. 11—Robison

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring that Senate Bill No. 81 which has passed both houses be known as the Robison, Hall, Dawkins, Tennille and Sellers Bill.

Approved May 23, 1951.

Time: 4:04 P. M.

Act No. 37

H. 132—White (Covington)

AN ACT

To abolish the Jury Commission provided under the General Laws of Alabama for Covington County and to establish a Jury Board in lieu of said Jury Commission; to create an appointing board; to provide a clerk for both boards and assistants to the Jury Board; to provide the appointment and to prescribe the qualifications, terms of office, compensation, removal, and duties of members of the Jury Board and their assistants; to define the duties of the appointing board and of the clerk and to fix his compensation; to require the county to furnish supplies and records; to provide for the repeal of any general, special, or local law, or parts thereof, in conflict with this act; and to provide for the effective date hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. APPOINTING BOARD. There is hereby created an Appointing Board for Covington County, Alabama. The membership of said Board shall be composed of the Circuit Judge serving Covington County, the President of the Board of Revenue, or the presiding officer of like body, of Covington County, the Sheriff, and the member or members of the legislature representing Covington County. The Circuit Judge shall be the Chairman of said Board and the presiding officer of the county governing body shall be the Vice-Chairman.

Section 2. JURY BOARD. The jury commission created under the general laws of Alabama for Covington County is hereby abolished, and a Jury Board is hereby established in lieu of said jury commission for said county. This Board shall be composed of one member from each district of the county that has representation on the county governing body of Covington County, and also one member without regard to residence in any district. The member at large shall be the President of the Board. The Board from its own group shall elect a Vice-President. Such members shall not hold any other public or political office by appointment or election or perform any other public or private duty under the Federal, State, County, or Municipal Government, which carries with it any compensation whatsoever. Each such member shall take an oath of office prescribed by the Constitution and Laws of Alabama for a state or county officer and shall file the same, before entering upon the duties of their office, with the Probate Judge of the County. Filing and recording fees of such oaths shall be paid by the County.

Section 3. ASSISTANTS. The Jury Board shall be entitled to a group of Assistants, one to be appointed as herein provided from each beat of Covington County, and he shall actually reside in and be a qualified elector from the beat from which he is appointed. If he moves out of the beat or ceases to be a qualified elector therein, he shall vacate his position immediately. Such Assistant shall not during the period of his appointment or serv-

ice hold any public or political office by appointment or election or perform any other public or private duty under the Federal, State, County, or Municipal Government, which carries with it any compensation whatsoever.

Section 4. APPOINTMENTS. The Appointing Board hereby created shall have the authority to appoint the members of the Jury Board and the Assistants to said Board and to fill all vacancies. All appointments made by such Appointing Board to the Jury Board and appointments of Assistants to the Jury Board shall be at the pleasure of the Appointing Board and subject to revocation without cause.

Section 5. CLERK. The Clerk of the Circuit Court of Covington County, at his election, shall serve as Clerk of the Appointing Board and of the Jury Board. If he fails to accept or to serve or shall resign, the Appointing Board shall name another who shall serve at the pleasure of said Appointing Board. He shall file an oath of office with the Probate Judge of Covington County as required of the Jury Board. Filing and recording fees shall be paid out of county funds.

Section 6. COMPENSATION. Members of the Appointing Board shall serve without any compensation or expenses. Members of the Jury Board shall be paid the sum of \$10.00 per day each for services rendered in attending the meeting of the Board, but not to exceed \$60.00 during any calendar year. This amount shall include expenses. He shall not be paid for the day he fails to attend and shall certify under oath the dates he attended. Said compensation shall be paid upon the approval of the President of the Jury Board. Each Assistant shall be paid as follows: If he is from a beat in which there is situated an incorporated municipality with a population, according to the last Federal Census, of 500 and not more than 6000, he shall be paid the sum of \$40.00 for each calendar year or part thereof he serves and performs the duties in the manner and within the time prescribed herein, unless extension of time for such performance is made by the President of the Jury Board. If more than 6000 population, he shall receive \$50.00 under the same conditions. Each Assistant from other beats in the county shall be paid the sum of \$25.00 in like manner and under like conditions as the same applies to Assistants from a beat in which there is an incorporated municipality of 500 or more people. The Clerk shall be paid the sum of \$50.00 each calendar year, and in addition thereto the sum of 8c for each name that lawfully appears upon the jury roll during any calendar year. The claims of the assistants and the Clerk shall be approved by the President of the Jury Board before payment.

Section 7. DUTIES. The Appointing Board shall convene in the Court House in Covington County, Alabama, on the call of its Chairman, or by the Vice-Chairman when the Chairman is

sick or otherwise incapacitated to make the call, or is a non-resident of Covington County, and a majority of the Board shall constitute a quorum. A majority vote of the quorum shall be lawful action on any question. Said Board shall appoint the members of the Jury Board, their Assistants, and the Clerk of the Board if the Circuit Clerk elects not to serve or for any reason there is a vacancy. Said appointments shall be at the pleasure of said Board.

All duties imposed by the general laws of Alabama upon a Jury Commission, or like body, are hereby imposed upon the Jury Board herein created, and they are hereby enjoined to perform the same. The President of said Jury Board, or Vice-President, shall be charged with and shall perform all the duties imposed by the general laws of Alabama upon the President of a Jury Commission. All the discretionary powers of the Jury Commission, or like body, under the laws of Alabama are hereby vested in the Jury Board. They may accept or reject the name of any person submitted by their assistants for jury service. A majority of the Jury Board shall constitute a quorum, and a majority vote of such quorum shall be lawful action on any question.

It shall be the duty of each assistant to the Jury Board to submit in confidence to said Jury Board on or before the 1st day of August of each year, unless an extension is granted by the President of the Jury Board, the names of all persons within his beat who are qualified under the general laws of Alabama for jury service. Such Assistants shall also furnish in confidence to the Jury Board the information required under the general laws of Alabama that is pertinent to the completion of the jury roll. Such information shall include the occupation, residence, and place of business of every person whose name such Assistant submits to the Jury Board.

The Clerk shall keep the records and minutes of both Boards and shall perform all the duties, except the submission of names to the Jury Board of eligibles for jury service, imposed by the general laws of Alabama on the Clerk of a Jury Commission or of like body.

Section 8. SUPPLIES. It shall be the duty of the governing body of Covington County, Alabama, to furnish to the Appointing Board, their assistants, the Jury Board, and the Clerk all the records, forms and supplies reasonably necessary for them to perform their duties hereunder.

Section 9. PAYMENTS. All payments authorized hereunder shall be paid out of the general funds of the county.

Section 10. REPEAL. All laws, general, special, or local, and parts of the same, in conflict with the provisions hereof are hereby repealed.

Section 11. **EFFECTIVE DATE.** This Act shall become effective on its approval by the Governor, or if not approved, then upon its passage as authorized by law.

Approved May 23, 1951.

Time: 4:07 P. M.

Act No. 38

H. 101—Fite (Walker)

AN ACT

To provide for the punishment, as a misdemeanor, of any person, firm, corporation or association of persons injuring or destroying or threatening to injure or destroy property of another, or the deranging or threatening to derange certain property used by another in any lawful business and to require that such punishment be proportioned to the offense, and to provide for the effective date of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person, firm, corporation or association of persons who shall willfully or wantonly injure, destroy, attempt to destroy, or threaten to injure or destroy any property of another; or who shall willfully or wantonly derange or attempt or threaten to derange any mechanics, appliances, or devices of another used in any lawful business or enterprise, shall be guilty of a misdemeanor, and his punishment, which must be proportioned to his offense, shall be a fine of not more than ten thousand dollars or a sentence to imprisonment in the county jail or to hard labor for the county for not more than twelve months, or he may be fined and imprisoned or sentenced to hard labor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1951.

Time: 4:07 P. M.

Act No. 39

H. 135—Adams (Tallapoosa), Johnson

AN ACT

To amend Act No. 337, H. B. 480, approved September 20, 1923 (Local Acts of 1923, pp. 229-231) entitled, "An Act To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and to provide for the holding of regular terms of said Court," as amended.

Be It Enacted by the Legislature of Alabama:

Section 6 of Act No. 337, H. B. 480, approved September 20, 1923 (Local Acts of 1923, pp. 229-231) entitled, "An Act To enlarge and extend the jurisdiction of the Circuit Court of Tallapoosa County, Alabama, at Alexander City, in said County, and

to provide for the holding of regular terms of said Court," as amended, is amended further to read as follows:

"Section 6. The Clerk and Register in Equity of the Circuit Court of Tallapoosa County shall be Clerk and Register of the Circuit Court at Alexander City, and the Clerk of the Circuit Court of said County shall keep offices at the Courthouse at Alexander City where all records, papers and files pertaining to said Court shall be safely kept, and said office shall be kept open for the transaction of the business of said Court at all reasonable hours. And the Clerk of the Circuit Court of said County shall provide and keep a Deputy Clerk at Alexander City as he is now required by law to do, and such deputy may perform, as deputy all the duties of Register of the Circuit Court in Equity, and for the services as Deputy Clerk and Deputy Register in Equity he or she shall receive not less than eighteen hundred dollars nor more than twenty-four hundred dollars per annum, to be fixed by the governing body of the county and be paid in monthly installments out of the County Treasury, on warrants to be drawn by the Judge of Probate for said County."

Approved May 23, 1951.

Time: 4:08 P.M.

Act No. 40

H. 214—Robinson, Haynes

AN ACT

To authorize the employment by the Board of Revenue of Lowndes County, Alabama, of a Chief Clerk in the Office of the Judge of Probate of said Lowndes County, Alabama, and to provide for the Compensation of said Clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Lowndes County, Alabama, is hereby authorized to employ, and must employ, one person as Chief Clerk, who has been appointed by the Probate Judge of said County, to perform clerical services for said Probate Judge in said Office, and said Board of Revenue is authorized and directed to pay said Chief Clerk so employed, the sum of not less than Twenty Four Hundred (\$2400.00), nor more than Thirty Six Hundred (\$3600.00) Dollars per annum, to be paid in monthly installments.

Section 2. All laws and parts of laws in conflict with this Act be, and they are hereby repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1951.

Time: 3:57 P. M.

Act No. 41

H. 221—Fite (Marion)

AN ACT

To amend Sections 2 and 8 of An Act entitled "An Act to further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court," approved May 15, 1943, and as amended July 1, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act entitled "An Act to further regulate the County Court of Marion County, Alabama; to define its jurisdiction and powers; to provide for a judge of said Court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to make said Court a court of record, and to provide that said Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said Court," approved May 15, 1943, and as amended July 1, 1947, be and the same is hereby amended so as to read as follows:

"Section 2. At the general election in 1946, and every six years thereafter, the Judge of said County Court shall be elected by the qualified voters of Marion County, and the Judge so elected shall hold office for the term of six years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The Judge of said County Court before entering upon the duties of said office shall take the oath required by law to be taken by Judges of the Circuit Courts of Alabama. He shall receive an annual salary of three thousand six hundred dollars, payable in twelve equal installments, from the general fund of the County."

Section 2. That Section 8 of said Act described in Section 1 hereof be and the same hereby is amended so as to read as follows:

"Section 8. The Judge of said County Court shall have jurisdiction in habeas corpus proceedings to the same extent that Probate Judges and justices of the peace now have; he shall have jurisdiction of bastardy proceedings and of matters involving the custody of children; he shall have the same power and authority to admit to bail that is by law conferred on Circuit Judges and Probate Judges; and he shall have the same powers and authority that are now, or may hereafter by law be, conferred on the Judges of the County Courts of this State. In addition to his other duties, he shall with respect to the issuance of attachments, and the hearing of lunacy proceedings perform the duties imposed and exercise the authority conferred upon Judges of

Probate By Article 1 of Chapter 20 and Article 2 of Chapter 1 of Title 7 of the 1940 Code of Alabama."

Section 3. This Act shall take effect upon its approval by the Governor.

Approved May 23, 1951.

Time: 3:59 P. M.

Act No. 42

H. 222—Fite (Marion)

AN ACT

Amending Section 4 of an Act entitled "Relating to Marion County; abolishing the Court of County Commissioners of Marion County and creating the Marion County Board of Revenue in lieu thereof; "said Act being numbered 633 and being adopted on October 3, 1947, and being heretofore amended on June 22, 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 4 of an Act entitled "Relating to Marion County; abolishing the Court of County Commissioners of Marion County and creating the Marion County Board of Revenue in lieu thereof, "numbered 633 and approved October 3, 1947, as amended June 22, 1949, be and the same hereby is amended to read as follows:

"Section 4. Regular meetings of the Marion County Board of Revenue shall be held on the second and third Mondays in each month. Each member of the Board shall be paid a monthly salary of Two Hundred Fifty Dollars, such salary to be paid from the gasoline tax funds of Marion County. The Chairman of said Board of Revenue shall be paid in addition to said salary the sum of Fifty dollars per month from said gasoline tax funds of Marion County. The Chairman and three other members of the Board shall constitute a quorum for the transaction of business."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1951.

Time: 4:00 P. M.

Act No. 43

S. 32—Wright

AN ACT

To alter and rearrange and extend the Corporate Limits of the City of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Sylacauga, Talladega County, Alabama be changed and extended to include the following territory: The Northwest one-quarter of the Northwest one-quarter of Section 5, Township 22 South, Range 4 East of the Huntsville Meridian, in Talladega County, Alabama.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved May 23, 1951.

Time: 4:02 P. M.

Act No. 44

S. 81—Robison

AN ACT

To provide for and require the reidentification of each qualified elector in every County in the State of Alabama having a population of not less than 96,000 nor more than 141,000 according to the last or any subsequent Federal Census; and to require the Board of Registrars in any such County to take the necessary action to purge the list of the qualified electors in any such County and to provide that any person making a wilfully false statement in connection with this reidentification shall be guilty of perjury.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars in each County in the State of Alabama having a population of not less than 96,000 nor more than 141,000 according to the last or any subsequent Federal Census is hereby directed to purge all lists of the qualified electors in such County to the end that the names of all who are deceased or non-residents of such County or have otherwise become disqualified from voting therein, shall be removed from such lists and to the end that the name of each qualified elector shall appear only on the list of qualified electors for the district and precinct in which he resides.

Section 2. The Board of Registrars in each County shall have authority to omit and remove from the lists of qualified electors in each such County the name of any person who fails to reidentify himself or herself, to the Board of Registrars in one of the ways hereinafter provided, prior to the first day of July, 1954. Provided that no one who has registered as a qualified elector of such County since January 1, 1950, shall be required to reidentify himself or herself. Any person removed from the list of qualified electors as herein provided, does not cease to be a qualified elector and shall not be subject to re-registration, but shall be subject only to the requirement that he or she reidentify himself or herself as a duly registered elector before being entitled to be listed on the list of qualified electors in such County.

Section 3. A voter may reidentify himself or herself in any one of the following ways:

(a) A voter may reidentify himself or herself by appearing in person at the office of the Board of Registrars or the Probate Judge of his or her County or one of the duly authorized employees of the Board of Registrars or Probate Judge and answer such questions and submit such proof as may be set forth hereinafter to establish the voter's identity and place of legal residence and that said voter has not become disqualified from voting in such County. Said reidentification to be made by answering the questionnaire hereinafter provided for. The Board of Registrars of each such County shall furnish a sufficient number of questionnaires to the office of the Judge of Probate of each County as may be required for the reidentification of voters.

(b) A voter may also reidentify himself or herself at any election at which said voter votes prior to July 1, 1954, by answering and signing the questionnaire hereinafter provided for, in the presence of a clerk, manager, inspector, or returning officer at such election who also shall sign the questionnaire as an attesting witness. The returning officer shall transmit each signed questionnaire to the Judge of Probate of each County for transmittal to the Board of Registrars. The Board of Registrars in each such County shall furnish a sufficient number of blank questionnaires to the Sheriff or party executive committee or other officer or agency or committee charged with the duty of sending out election supplies, who shall cause a sufficient number thereof to be sent to each voting place at each election to be held prior to July 1, 1954.

(c) A voter who is on active duty in the Army, Navy or Air Force of the United States or the husband or wife of a member of the Armed Forces on active duty may also reidentify himself or herself by filling in and mailing to the office of the Judge of Probate of each County for transmittal to the Board of Registrars of each County, the completed answers to such questions as set forth in the questionnaire hereinafter detailed, and said questionnaire must be witnessed by a commissioned officer of the Army, Navy, or Air Force.

(d) The questionnaire to reidentify a voter shall be in substantially the following form:

VOTERS REIDENTIFICATION QUESTIONNAIRE

..... County, Alabama
 Date, 195.....
 Name:
 First Middle Last
 Legal Residence Address:.....
 Street
 City or Town:.....
 State:.....
 Date of Birth:..... Sex..... Color.....

I now vote and I am a qualified elector in Precinct or Beat No. _____ County and I have not been disqualified from voting in this County.

I have resided in Precinct or Beat No. _____ for the past three months.

Signed: _____
Signature of Voter.

WITNESSED before me this _____ day of _____,
195_____.

Registrar—Probate Judge—Election Official—Com-
missioned Officer U. S. Armed Forces

Section 4. Any qualified elector in any such County who shall have his or her name omitted or removed from the list of qualified electors in such County by reason of his or her failure to reidentify himself or herself as hereinabove provided or his or her name be otherwise purged therefrom, shall be entitled to have his or her name restored to the list of qualified electors by appearing in person and reidentifying himself or herself in person at the office of such Board of Registrars or Judge of Probate in the manner hereinabove provided for; however, every qualified elector must have reidentified himself or herself at least thirty (30) days prior to voting.

Section 5. The Board of Registrars in each such County shall meet as often as necessary and on such dates as the Board may by order fix for the purpose of purging the list of qualified electors of such County; said Board may meet any number of days not exceeding thirty (30) days per annum in excess of the maximum now provided by law for the purpose of purging such list, and shall be entitled to the same per diem allowances for meeting on such dates, in excess of the maximum, as now provided by law.

Section 6. Any person who makes a wilfully false statement in answer to the reidentification questionnaire to the Board of Registrars or the Judge of Probate or the duly authorized employee of the Board of Registrars or Judge of Probate or to the clerk, manager, inspector or returning officer or to the commissioned officer of the United States Army, Navy or Air Force shall be guilty of perjury and upon conviction shall be punished by imprisonment in the penitentiary for not less than one (1) year nor more than five (5) years.

Section 7. The County Board of Revenue, County Commissioners or other like governing body of the County is hereby authorized to furnish to the Board of Registrars and the Probate Judge the supplies, equipment, printed forms, stationery and stamps necessary for the reidentification of voters.

Section 8. This act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 23, 1951.

Time: 4:03 P. M.

Act No. 45

S. 127—Johnston (Mobile)

AN ACT

Prescribing the duties of the jury commission of any county having a population of not less than 140,000 nor more than 400,000 inhabitants relative to compiling and keeping the jury roll.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission in any county having a population of not less than 140,000 nor more than 400,000 inhabitants, according to the last or any subsequent federal census, shall meet in the court house at the county seat annually, between the first day of August and the twentieth day of December, and shall make in a well bound book a roll containing the name of every male citizen living in the county who possesses the qualifications of a juror as prescribed by law and who is not exempted by law from serving on juries. The roll shall be arranged alphabetically and the jury commission shall cause to be written on the roll opposite every name placed thereon the occupation, residence and place of business of every person selected, and if the residence has a street number it must be given. Upon the completion of the roll the jury commission shall cause to be prepared plain white cards all of the same size and texture and shall have written or printed on the cards the name, occupation, place of residence and place of business of the person whose name has been placed on the jury roll, writing or printing but one person's name, occupation, place of residence and place of business on each card. These cards shall be placed in a substantial metal box provided with a lock and two keys, which box shall be kept in a safe or vault in the office of the probate judge, and if there be none in that office, the jury commission shall deposit it in any safe or vault in the court house to be designated on the minutes of the commission; and one of said keys thereof shall be kept by the president of the jury commission. The other of said keys shall be kept by a judge of a court of record having juries, other than the probate or circuit court, and in counties having no such court then by the judge of the circuit court, for the sole use of the judges of the courts of said county needing jurors. The jury roll shall be kept securely and for the use of the jury commission exclusively. It shall not be inspected by any one except the members of the commission or by the clerk of the commission upon the authority of the commission, unless under an order of the judge of the circuit court or other court of record having jurisdiction.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 23, 1951.

Time: 4:03 P. M.

Act No. 46

H. 103—Fite (Walker), Merrill

AN ACT

To amend Section 29, Title 11, Code of Alabama (1940), which relates to the fees allowed judges of probate.

Be It Enacted by the Legislature of Alabama:

Section 29, Title 11, Code of Alabama (1940) is amended to read as follows: "Judges of probate are entitled to the following fees for the following services:

Services rendered in the incorporation of towns, under the provisions of this Code, to be paid by the corporation.....	\$ 5.00
Each entry of an estray, to be paid by the taker.....	.50
Each record of a mark or brand.....	.25
Filing and recording all certificates of incorporation of religious, educational, benevolent, and burial societies.....	2.00
Each certificate given under the chapter in relation to hospitals, diseases, infection and quarantine.....	.50
Issuing and recording marriage license, together with consent to the marriage, and certificate of its celebration and taking and recording bond.....	1.50
Celebrating rites of matrimony.....	1.50
Service rendered in legitimatizing and adopting children under the provisions of this Code.....	1.00
Issuing writs of ad quod damnum for the erection of dams or public mills.....	2.50

And, for each copy of such writ and application, twenty-five cents, to be paid at the time such application is made; and if publication is required, the applicant must deposit with such judge an amount sufficient to cover the expenses thereof; for each notice to show cause and copy, fifty cents, to be paid by the applicant on the return of the inquest, and before the issue of the notice; for determining on the application, two dollars, to be paid by the applicant if same is not contested, otherwise by the unsuccessful party; for issuing subpoenas to attend on the hearing of the application, the same fees as in other cases, to be paid by the unsuccessful party; for which execution may issue.

Each day engaged in making division of property under provisions for partition of property.....	2.00
Recording the proceedings of commissioners, for each one hundred words.....	.15
Services rendered in proceedings to have persons declared of unsound mind, and appointing guardian for them.....	5.00
All orders on presenting will for probate.....	1.00
Examination of witnesses and order admitting will to probate	2.00
Presiding at trial of contested will, for each day.....	2.50
Granting letters testamentary or of administration.....	.50
Order appointing general guardian, or general administrator, or general administrator ad litem.....	1.00
Issuing and recording same.....	.50
Taking, approving, filing, and recording bond of executor or administrator.....	1.00
Granting order of appraisement or sale of personalty.....	.50
Issuing order of appraisement or sale of personalty.....	.25
Order removing executor, administrator, or guardian.....	2.00
Granting letters of guardianship, for each minor.....	.75
Taking, approving, and recording of bond of guardian.....	1.00
Issuing, filing and recording letters of guardianship.....	.50
Order appointing commissioners to divide real or personal property, and issuing writ to sheriff.....	2.00
Approving such division, and entering order thereon.....	1.00
Order on application to sell real estate, appointing day for hearing, and order for notice.....	1.00
Order appointing guardian ad litem on application to sell land, and giving notice to such guardian.....	.50
Examining testimony and granting order to sell land.....	2.00
Making and entering order approving sale of land.....	.75
Hearing application for dower, issuing writ and entering all necessary orders, and recording assignment of dower.....	4.00
Examining, stating and passing the accounts of executors, administrators, and guardians, for final or partial settlement, and appointing day for hearing.....	1.00
Appointing guardian ad litem for such settlements, and giving notice to same.....	.50
Examining each voucher.....	.10
Making decree on annual or partial settlement, and order to record same.....	1.50
Making each decree on final settlement.....	.50
Each copy of any order of publication, and having same published	.50

Entering all necessary orders in relation to insolvent estates, for each order or decree	\$.25
Issuing each writ, citation, or notice required by law, and entering sheriff's return	.50
Filing each claim, and giving receipt therefor	.15
Approving each bond not otherwise provided for	.50
Recording each decree relieving minors from the disabilities of non-age	1.00
Recording wills, inventories, sale-bills, reports, certificates, transcripts, returns, orders, decrees, declarations of incorporation, deeds and all other instruments, and all proceedings required by law to be recorded, and not otherwise provided for, for each one hundred words	.15
Taking questions, answers, and recording the same, in proceedings to perpetuate testimony, for each one hundred words to be paid by applicant	.20
Other services in relation thereto, to be paid by applicant ..	.75
Each certificate with seal of office	.50
Each certificate without seal of office	.25
Each commission to take depositions	.50
Filing interrogatories	.10
Copying interrogatories, deeds, orders, decrees, or other proceedings, or instruments, not otherwise provided for, for each one hundred words	.15
Administering affidavit, not otherwise provided for	.25
Presiding in court of county commissioners and keeping minutes of such court, for each day	3.00
For recording minutes and proceedings of the commissioners' court, for each one hundred words	.15
For recording certificate of judgment or decree	.25
Trying and sealing weights and measures, for each weight and measure sealed, to be paid by the person for whom the service is performed	.25
Each acknowledgment or probate of deed or other conveyance	.50
Services rendered in and about limited partnerships, for each acknowledgment	.50
For filing and recording the original certificate and acknowledgment, and each transcript of the same	.75
For each affidavit	.25
For making out transcript and certifying the same	.50

And the same fees on the renewal or continuance of the partnership.

Hearing an application to compel a personal representative to convey land under contract of testator or intestate, and making all necessary orders and decrees, to be paid by the unsuccessful party..... 2.00

Discharging his duties in relation to public roads, on proof to the county commissioners that he has discharged such duties, annually, to be paid out of the county treasury, not exceeding.....400.00

But this shall not apply to any probate judge who receives net annual compensation from his office exceeding five thousand dollars.

Receiving, keeping and paying out money paid into court under a decree in favor of an administrator ad litem, one-half of one percent on the amount so received and paid out.

On all sums paid to him as escheats, ten percent thereon.

All other official duties, for the compensation of which no express provision is made by law, such sum as may be allowed by the court of county commissioners to be paid out of the county treasury, not exceeding per annum 400.00

Recording proceedings in each case for binding out apprentices, to be paid by the master..... 1.00

Every certificate or charter issued to a private corporation 1.00

For attesting each satisfaction of a mortgage..... .25

Recording or copying town plats, for each one hundred words 15

For each lot contained therein..... .05

But in no case more than one hundred dollars for one map.

Commissions on state and county licenses issued by him, two and one-half percent on the amount collected and paid over.

Approving, filing and recording each official bond..... 1.00

For certifying abstract, in lieu of fees for transcript, under section 773 of title 7..... 5.00

For preparing list of registered voters, as required by section 187 of the constitution, two and one-half cents a copy for each voter enrolled, to be paid by the county commissioners in each county.

No local law shall be repealed by the provisions of this section as amended. (1911, p. 154; 1935, p. 256.)"

Approved May 23, 1951.

Time: 5:05 P. M.

AN ACT

To provide educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.

Be It Enacted by the Legislature of Alabama:

Section 1. Any child whose father or mother (a) was killed or died in line of duty in the armed forces of the United States during World War II and World War I, or is listed as missing in action, as a member of the armed forces, between the dates of September 16, 1940 and July 25, 1947, or (b) died from a service-connected disability after December 16, 1940 or before July 1, 1960 after having been discharged or released under conditions other than dishonorable after serving at least ninety days in the armed forces between September 16, 1940 and July 25, 1947, or discharged or released therefrom by reason of a service-connected disability after serving less than ninety days, or (c) was killed or died in line of duty in the armed forces at any time after June 24, 1950 when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not, or was reported missing in action during such time and was subsequently declared to be dead by the Department of Defense, or died from a service-connected disability incurred during such time after being discharged or released under conditions other than dishonorable after serving at least ninety days in the armed forces, or discharged or released therefrom by reason of a service-connected disability after serving less than ninety days, may attend any State institution of higher learning, college or university for a period of four years without paying any tuition or fees whatsoever for such college or university attendance, or any such child may take a prescribed course in any State trade school, for the length of any prescribed course of study of his or her choosing without the payment of any tuition or fees whatsoever.

Section 2. The widow of any person who was killed or died in line of duty in the armed forces as a result of service-connected disability at any of the times described in Section 1 of this Act shall be entitled to attend any State institution of higher learning, college or university, for a period of two years without the payment of any tuition or fees whatsoever, or such widow may attend any State trade school on the payment of one-half of the cost of tuition and fees of any prescribed course in any such school. Provided, however, that should the widow of such deceased serviceman or veteran have children by such deceased serviceman or veteran, she is entitled to four years of educational training in any State institution of higher learning, or college or university, without the payment of any tuition or fees whatsoever, or such widow may take any prescribed course of

study in any State trade school, tuition and fees free. Provided, however this section shall not apply to the widow of any such deceased serviceman or veteran who has remarried prior to applying for and obtaining educational benefits under this section, and should any such widow of such deceased serviceman or veteran remarry during the time she is in attendance upon any of the schools, colleges, or universities mentioned in this section, then she shall pay tuition and fees for her course of study or attendance upon such school, college, or university from the time of her remarriage.

Section 3. The wife and children of any veteran who is suffering from 40% or more service-connected disabilities, brought about from service in the armed forces of the United States between January 1, 1917 and November 11, 1918, and September 16, 1940 and July 25, 1947 or at any time subsequent to June 24, 1950 when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of declared war or not, or shall have had such 40% or more service-connected disabilities at the time of his death shall be entitled to the following educational advantages and opportunities:

The wife shall be entitled to two years attendance upon any State institution of higher learning, college or university without the payment of any tuition or fees, and should she elect to take a prescribed course of study in any State trade school, then she shall be required to pay one-half of the regular tuition and fees for such prescribed course of study.

The children of such disabled veteran shall be entitled to four years attendance upon any State institution of higher learning, college or university, without the payment of any tuition or fees, or he or she shall be entitled to a prescribed course of study in any State trade school, without the payment of any tuition or fees.

Section 4. Every bona fide permanent resident of at least one year's residence in the State of Alabama before entrance into the service, who served in the armed forces of the United States at least ninety days between January 1, 1917 and November 11, 1918, and September 16, 1940 and July 25, 1947, or was discharged or released therefrom by reason of service-connected disability after serving less than ninety days, or who served at any time subsequent to June 24, 1950 when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not, and if he or she has been discharged or released from the service under conditions other than dishonorable, shall be entitled to take any extension or correspondence course from any State college or university offering same, without the payment of any fees or charge for such extension or correspondence course. The veteran taking advantage of this provision of the Act must do so within four years from the

passage and approval thereof, or within four years from the date of his or her discharge, which ever occurs last. Provided, however, no veteran shall be entitled to such correspondence or extension course during the time he or she is receiving educational benefits under the Servicemen's Readjustment Act of 1944, as amended, or if he or she has already received maximum benefits to which he or she was entitled under the Servicemen's Readjustment Act of 1944, as amended.

Section 5. Any veteran who applies for benefits under this Act must produce sufficient identification, sufficient proof of being a permanent resident of this State, of at least one year prior to his or her entrance into service, and must produce an honorable discharge or other proof of honorable termination of at least ninety days of service in the armed forces, or service of less than ninety days if discharged or released by reason of service-connected disability, before application for any such benefits can be approved. The wife, widow or child who makes application for any educational benefits under this Act must produce sufficient identification that such person is the wife, widow or child of such disabled veteran or deceased serviceman or veteran, sufficient proof that their husband, father or mother, as the case may be, is or was a permanent resident of the State of Alabama, of at least one year's residence prior to his or her entrance into the service, and, in the case of wives, widows and children of veterans, must produce an honorable discharge or other proof of honorable termination of service of such veteran in the armed forces, for a period of at least ninety days between the dates hereinabove mentioned, or service of less than ninety days if discharged or released by reason of service-connected disability.

Section 6. All applications for benefits accruing under this Act must be made to the State Department of Veterans Affairs. The State Service Commissioner, or any official of the Department designated by him, is hereby charged with the responsibility and duty of determining the eligibility of each applicant for the benefits under this Act, and shall cause the State Department of Veterans Affairs to issue Certificate of Eligibility and Entitlement in behalf of each applicant who may be determined by him to be entitled to the benefits.

Section 7. The State Department of Veterans Affairs is hereby charged with the duty of informing the veterans and their dependents in this State, through its County Service Commissioners and all other sources at its command, of the provisions of this Act in order that those veterans and their dependents may know of the benefits here provided. The State Department of Veterans Affairs shall furnish, and assist in preparing and producing, all necessary blanks, forms and other matters necessary for the veterans, their wives, widows or children to obtain the benefits provided under this Act. The State Service Commissioner shall

cause to be forwarded to the State institution of higher learning, college or university or State trade school of the applicant's choice, Certificate of Eligibility and Entitlement or other necessary proof for the veteran, his wife, widow or child to obtain the benefits made available hereby.

Section 8. The president or head of each State institution of higher learning or college or university or State trade school must inform the faculty members of each respective institution of the provisions and benefits of this Act who in turn shall inform the wives, widows and children of veterans attending such institutions as to their rights and benefits under the provisions of this Act.

Section 9. The county superintendent of education and the city superintendent of schools in each respective county and city must inform the teachers of their county and city of the provisions and benefits of this Act, who in turn shall inform the children of veterans as to their rights and benefits under the provisions of this Act.

Section 10. Every institution of higher learning, college, university, or State trade school in which benefits are given to veterans, their wives, widows and children under this Act, shall keep an accounting of the amount of free tuition and fees provided by such institution, college, university, or other school and must submit such amounts to the Legislature of the State of Alabama at such time as it makes its regular request for appropriations. The Legislature shall then take into consideration the loss to the institution affording such free educational benefits under this Act in making its annual appropriations to such institutions, colleges, universities and other schools.

Section 11. Nothing in this Act shall be construed as lowering the standards or requirements, or as to making any exceptions thereto for entrance into any of the State schools or institutions affected by this Act. All applicants, in order to obtain the educational benefits of this Act, must first meet all scholastic and other requirements for entrance into any of the schools coming within the purview of this Act.

Section 11-A. The words and phrase "Tuition and fees" shall include and mean fees known and classed as instructional fees.

Section 11-C. The benefits under this Act shall not extend beyond the life of the immediate children of the veteran concerned.

Section 12. No veteran, his wife, widow, or children, may obtain any benefits under this Act when the same benefits provided in this Act may be obtained from the Federal Government.

Section 13. Tuition benefits received in Sections 1, 2, 3 of this Act, shall be called "Alabama G. I. Dependents' Scholar-

ships" and tuition benefits received under section 4 of this Act shall be called "Alabama G. I. Scholarships."

Section 14. This Act shall be known as the "Alabama G. I. and Dependents' Educational Benefit Act."

Section 15. Definition. The term "Armed Forces" as used in this Act shall include the United States Army, Air Force, Navy, Marine Corps, Coast Guard, and such term shall also include the units of those branches of the services having women troops. It shall also include the Army, Navy, Marine Corps, and Coast Guard Nurse Corps.

Section 16. This Act shall supersede the provisions of Act No. 633, H. 290, approved September 19, 1949 (Acts of Alabama, 1949, page 972) and Act No. 44, H-35, approved October 31, 1950; it is provided, however, that no substantive rights, privileges or benefits which have presently accrued or been conferred under the provisions of such Acts shall be abrogated, limited, modified or destroyed hereby, but shall continue in effect.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 24, 1951.

Time: 4:17 P. M.

Act No. 48

S. J. R. 13—Boutwell, Quarles, Clayton,
Golson and Wright

SENATE JOINT RESOLUTION

WHEREAS, the death of the Honorable W. E. Barrett of Pickens County, who was an outstanding member of the Senate of Alabama and the House of Representatives for a number of years, has removed from our midst a true Southern Gentleman and a genuine lover of his fellowman; and

WHEREAS, honorable W. E. Barrett served with much credit in both houses of the Legislature, and his services and activities have undoubtedly redounded greatly to the progress and benefit of the State of Alabama; and

WHEREAS, he was a man of amiability, sincerity, and kindness, who was ever ready to serve and give wise counsel to those who sought his advice, and who was in every sense of the word a Christian gentleman and a good citizen of Alabama, who left his State a better one than he found it; and

WHEREAS, his loss is deeply mourned by the people of Alabama,

NOW THEREFORE be it Resolved by the Senate of Alabama, the House of Representatives concurring, that we hereby express our grief and deep regret at the loss of this distinguished citizen, and extend our sympathy to the members of his family.

BE IT FURTHER RESOLVED, that a copy of this resolution be spread upon the Journals of the two houses, that a copy be sent to the family of the Honorable W. E. Barrett, and that a copy be released to the press.

Approved May 25, 1951.

Time: 12:33 P. M.

Act No. 49

H. J. R. 18—Brassell

HOUSE JOINT RESOLUTION

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That Mathew L. Murphy, who is domiciled in and a qualified elector of Phenix City, Alabama, is hereby declared to be the nominee of the members of the Legislature who represent Russell County and the Twenty-seventh Senatorial District for appointment to fill the existing vacancy on the Civil Service Board of Phenix City, all in accordance with Act No. 15, H. 120, approved June 19, 1947 (Local Acts, 1947, pp. 14-18).

Approved May 25, 1951.

Time: 11:25 A. M.

Act No. 50

H. J. R. 33—Edgar, McNider, Matthews

HOUSE JOINT RESOLUTION

WHEREAS, State Superintendent of Education W. J. Terry is making an earnest effort to emphasize the teaching of the fundamental courses of study in the public schools of Alabama, such as reading, writing, spelling and arithmetic, and

WHEREAS, the members of the Legislature believe that this is a wise and sound policy and that instruction in such fundamentals is of the first importance and a primary need in our educational system, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The members of the Legislature hereby commend Superintendent of Education W. J. Terry on his efforts to stress the teaching of these fundamentals in our public schools and wish him success in his future efforts.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Superintendent of Education Terry and to release a copy to the press.

Approved May 25, 1951.

Time: 11:31 A. M.

Act No. 51

H. 180—Adams (Dale)

AN ACT

To authorize the Commissioner of Public Welfare to destroy records of the Alabama Relief Administration, the Alabama Transient Bureau, and surplus commodity distribution presently in the custody of the State Department of Public Welfare.

Be It Enacted by the Legislature of Alabama:

Section 1. The Commissioner of Public Welfare of the State of Alabama shall have the authority to destroy, in his discretion, all records of the Alabama Relief Administration, the Alabama Transient Bureau, and surplus commodity distribution presently in the custody and under the control of the State Department of Public Welfare.

Section 2. All laws or parts of laws in conflict herewith are to that extent repealed.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 25, 1951.

Time: 11:30 A. M.

Act No. 52

H. 102—Fite (Walker)

AN ACT

To repeal Section 59 of Title 14 of the Code of Alabama 1940, and to provide for the effective date of said repeal.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 59 of Title 14 of the Code of Alabama 1940, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law and upon the passage and approval or the otherwise becoming a law of:

“A Bill to be Entitled an Act. To provide for the punishment, as a misdemeanor, of any person, firm, corporation or association of persons injuring or destroying or threatening to injure or

destroy property of another, or the deranging or threatening to derange certain property used by another in any lawful business and to require that such punishment be proportioned to the offense, and provide for the effective date of said Act."

Approved May 30, 1951.
Time: 10:00 A. M.

Act No. 53

H. 49—Selden

AN ACT

To make it unlawful for livestock or animals to go at large in any county in the State, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be no "open range counties" as defined in Section 90 of Title 3 of the Code of Alabama (1940), and after the effective date of this Act it shall be unlawful for horses, mares, mules, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats, and pigs to go at large in any county in the State.

Section 2. Sections 90, 91, 92 and 93 of Title 3, Code of Alabama (1940) and all other laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective one year after the date of its passage and approval by the Governor or its otherwise becoming a law.

Approved May 30, 1951.
Time: 10:05 A. M.

Act No. 54

H. 202—Sellers, Hall, Dawkins, Tennille

AN ACT

To impose in Montgomery County, Alabama, an excise tax of one cent (1¢) per gallon upon the selling, distributing, storing, or withdrawing from storage, for any use, of motor fuels as defined in the act, including (a) gasoline, diesel fuel oil, motor distillate, tractor fuel, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, and (b) naphthas, kerosene oil, fuel oil, crude oil, and liquefied petroleum gases when distributed, sold, stored or withdrawn from storage for use in internal combustion engines; to provide that the said tax shall be collected and paid over to said county by distributors, retail dealers or storers, as defined in the act, of such motor fuels; to provide that the said tax shall be a levy upon the consumer, with the distributor, retail dealer and storer acting merely as agent of the county for its collection, provided, that when the storer of motor fuel is also the consumer thereof the tax shall be a levy upon said storer and consumer; to make it unlawful for any distributor, retail dealer, or storer to fail to add the tax to the sales price of any such motor fuels and collect from any purchaser thereof the amount due on account

of said tax; to provide that the said tax shall be in addition to all other taxes including (without limitation) any privilege or license taxes levied by Sections 176 to 180, inclusive, as amended, and Sections 182 to 186, inclusive, of Title 51 of the Code of Alabama of 1940; to provide for certain exemptions from the tax; to require every distributor, retail dealer, or storer of such motor fuels to make monthly reports as to sales, distributions and withdrawals from storage of such motor fuels and to pay over monthly an amount of money equal to the tax; to require such distributors, storers and retail dealers to keep for not less than two years records of sales and distributions or withdrawals from storage of such motor fuels; to require such distributors, storers and retail dealers to report their addresses, and any changes therein, to the governing body of said county; to provide for reports by transportation companies of all shipments into Montgomery County of such motor fuels; to provide penalties for violations of this act; to provide for collection of the tax and to authorize the governing body of said county to make rules and regulations for such collection; to provide for the restraint of violators of this act from further distribution, sale, storage or withdrawal from storage of motor fuel as defined herein; to provide for use of the proceeds from said tax, after deduction of the cost of collection, for certain public school purposes, including (without limitation) construction and equipment of school houses and payment of the principal of and interest on obligations issued for such construction and equipment, or either of them; to provide, in the event of any valid pledge, pursuant to general law, of any part of said tax proceeds, that the proceeds so pledged shall first be applied in satisfaction of such pledge, and, in the event of more than one such pledge, in satisfaction thereof in the order made; to provide for termination on the effective date of this act of the levy of the excise tax authorized under Act No. 271 adopted at the 1943 Regular Session of the Legislature; and to provide for the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS. Whenever used in this act, the terms defined in this section shall have the respective meanings set forth herein. "Motor fuel" means and includes (a) gasoline, diesel fuel oil, motor distillate, tractor fuel, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, and (b) naphthas, kerosene oil, fuel oil, crude oil, and liquefied petroleum gases by whatever name they may be called, including (but without limitation to) butane gas and propane gas, when sold, distributed, stored or withdrawn from storage for use in internal combustion engines. "The county" means Montgomery County, Alabama. "The governing body" means the governing body of the county. "Person" means and includes every person, corporation, co-partnership, company, agency, or association, singular or plural. "Distributor" means any person who shall engage in the selling of motor fuel in the county by wholesale domestic trade, but shall not apply to any transaction by such person in interstate commerce. "Retail Dealer" means (a) any person herein defined as a distributor who is also engaged in the sale of motor fuel at any place in the county in broken quantities, and (b) any person who is engaged in the sale of motor fuel at any place in the county in broken quantities. "Storer" means and includes any person who ships or causes to be shipped or receives motor fuel into the

county and who stores the same in any quantities and withdraws or uses the same for any purpose. "The tax" means the excise tax herein provided for.

Section 2. LEVY OF THE TAX. Every distributor, retail dealer, or storer of motor fuel in the county shall collect and pay over to the county an excise tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in the county, for any use, of motor fuel; provided, that the sale of motor fuel in interstate commerce and the sale of motor fuel to the United States, to a municipal corporation, to the board of education of the county, or to the county or any agency thereof shall not be subject to the tax; and provided further, that when the tax shall have been paid to the county by a distributor or by a retail dealer or storer with respect to the selling, distributing, storing, or withdrawing from storage of any motor fuel, such payment shall be sufficient and no additional tax shall be collected and paid with respect to such motor fuel, it being the intention of this act that the tax shall be paid only once. The tax shall be collected by persons storing motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawals be for sale or other use; provided, that retail dealers paying the tax may pay the same computed on the basis of their sales of motor fuel as hereinafter required, and storers and distributors shall compute and pay the tax on the basis of their withdrawals from storage or distributions of motor fuel. Every distributor, retail dealer, or storer of motor fuel shall add the amount of the tax to the price of motor fuel, it being the purpose and intent of this provision that the tax shall be a levy upon the consumer with the distributor, retail dealer or storer acting merely as agent of the county for the collection of the tax; provided, that when the storer is also the consumer of the motor fuel, the tax shall be a levy upon the said storer and consumer. Each distributor, retail dealer, and storer shall state the amount of the tax separately from the price of the motor fuel on all price display signs that advertise or indicate the price of the motor fuel. It shall be unlawful for any distributor, retail dealer or storer to fail or refuse to add to the sales price and collect from the purchaser of any motor fuel the amount due on account of the tax, or to refund or to offer to refund all or any part of the amount collected, or to absorb or to advertise directly or indirectly the absorption of the tax or any portion thereof. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than \$100.00, or shall be imprisoned in the County Jail of the county for not more than six months, or shall be both so fined and so imprisoned. Each act in violation of this section shall constitute a separate offense.

Section 3. THIS TAX CUMULATIVE TO ALL OTHER TAXES. The tax shall be in addition to any and all excise or other

taxes imposed by the State of Alabama or any agency or subdivision thereof with respect to motor fuel or with respect to the privilege of selling, distributing, storing or withdrawing from storage of motor fuel and shall be in addition to any privilege or license taxes levied by the State of Alabama by Sections 176 to 180, inclusive, as amended, and Sections 182 to 186, inclusive, of Title 51 of the Code of Alabama of 1940.

Section 4. WITHDRAWALS FOR RESALE OR USE OUTSIDE THE COUNTY. Every distributor, storer, or retail dealer shall be exempted from collection and payment of the tax with respect to withdrawals from storage which are for the purpose of sale to a reseller located outside the county or for the purpose of reshipment to a point outside the county for delivery to and use by a consumer residing outside the county; provided, however, that to obtain such exemption any distributor, storer or retail dealer entitled to such exemption shall furnish to the governing body a sworn written statement on the 20th day of each month showing a full, true and accurate total of all sales and shipments made during the preceding calendar month to resellers or consumers located outside said county.

Section 5. UNITED STATES CERTIFICATES OF EXEMPTION. The governing body is hereby authorized to adopt or approve forms of certificates of exemption for use by the United States in purchasing within the county motor fuel which is paid for by the United States. Any person in reporting and paying the tax to the governing body may deduct the number of gallons of motor fuel sold to the United States as shown by any such certificate of exemption duly executed by the United States and filed with such report; and the governing body is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

Section 6. MONTHLY REPORTS AND PAYMENTS. On or before the 20th day of each month following the month during which the tax shall become effective, every distributor, retail dealer, or storer shall render to the governing body on forms prescribed by the governing body a true and correct statement of all sales, distributions, and withdrawals from storage of motor fuel made during the then next preceding month, shall furnish to the governing body such other reasonable information as the governing body may require upon blanks to be formulated and furnished by the governing body, and at the time of making such statement shall pay over to the governing body an amount of money equal to the tax. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statements so sworn to shall constitute perjury, and upon conviction thereof the person so convicted shall be punished as provided by law.

Section 7. MAINTENANCE OF RECORDS. All distributors, storers, and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sales, distributions or withdrawals from storage of motor fuel made in the county and covered by this act.

Section 8. REPORT OF ADDRESS BY DISTRIBUTOR, STORER, OR RETAIL DEALER. Within thirty days after the effective date of this act, every distributor, storer or retail dealer engaged in the sale, distribution, storage or withdrawal from storage of motor fuel in the county shall make a report to the governing body on blanks furnished by the governing body, showing the place and post office address within the county at which such person is engaged in distributing or selling or storing motor fuel. No person shall thereafter become a distributor, storer or retail dealer of motor fuel in the county until he shall have made such a report to the governing body. If any distributor, storer or retail dealer shall, subsequent to making such report, move his place of business from one business address to another, such distributor, storer or retail dealer shall within thirty days thereafter notify the governing body of such removal, giving the former place and post office address and also the place and post office address to which his place of business has been removed. The information contained in all reports and notices made pursuant to the provisions of this section shall be recorded by the governing body in a book kept for that purpose.

Section 9. PENALTY FOR FAILURE TO MAKE REPORTS AND KEEP RECORDS. If any distributor, storer or retail dealer of motor fuel in the county shall fail to make any report or statement required by this act or shall fail to comply with any regulation adopted by the governing body with respect to the collection of the tax within the time required for making any such report or statement or complying with any such regulation, or shall fail to pay the tax within the time fixed for the payment thereof, such distributor, storer or retail dealer shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50.00 or more than \$300.00 for each offense.

Section 10. ENFORCEMENT OF THIS ACT. It shall be the duty of the governing body to enforce the provisions of this act, and the governing body shall have the right, acting either through its members or its agents, to examine the books, records, and accounts of every distributor, storer, or retail dealer and shall have the power to make any and all rules and regulations necessary and proper for the collection of the tax.

Section 11. FAILURE TO MAKE MONTHLY STATEMENTS AND PAYMENTS. If any distributor, storer or retail dealer shall fail to pay over the tax to the county, the amount of the tax required by this act to be paid over by such distributor,

storer, or retail dealer shall be deemed delinquent within the meaning of this act, and there shall be added to the amount thereof a penalty of 25%; provided, that if in the opinion of the governing body a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. If any distributor, storer or retail dealer shall fail to make any monthly statement required herein, at the time and in the manner herein provided, or shall make a statement which is in anywise inaccurate, the governing body is hereby authorized and empowered to make a return for such distributor, storer, or retail dealer upon such information as the governing body may reasonably obtain and shall then add to the delinquent tax the penalty prescribed by this section. If any person shall be delinquent in the payment of the tax, the governing body shall issue execution for the collection thereof directed to any sheriff of the State of Alabama, who shall proceed to collect the tax in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and shall make return of such execution to the governing body. The tax and any penalty added thereto under the provisions of this section shall be held as a debt payable to the county by the person required hereunder to pay over the tax, and the tax and any such penalty shall be a lien upon the property in said county and elsewhere in the State of Alabama of the person who is required hereunder to pay over the tax.

Section 12. EFFECT OF ACCEPTANCE OF LESS THAN THE AMOUNT DUE. The acceptance of any amount paid for the tax shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 13. RESTRAINT OF VIOLATORS OF THIS ACT. Any distributor, storer or retail dealer who shall violate any provision of this act or shall fail to comply with any rule or regulation promulgated hereunder may be restrained, and proper prosecution therefor instituted in the name of the county by the Attorney General of the State of Alabama or by such counsel as the governing body shall direct, from distributing, selling, storing or withdrawing from storage any motor fuel the distribution, sale, storage, or withdrawal from storage of which is subject to the provisions of this act, until such distributor, storer or retail dealer shall have complied with the provisions of this act.

Section 14. REPORTS BY TRANSPORTATION COMPANIES. An agent of each railroad company or bus company, truck operator, or other transportation company or agency operating in Montgomery County shall report to the governing body on the first day of October, January, April and July of each year all shipments of motor fuel handled through the station or office at which he is the agent and delivered during the pre-

ceding three months to any person in the county, giving the name and address of the consignor or consignee shipping and receiving the motor fuel and the number of gallons or pounds contained in each shipment.

Section 15. USE OF PROCEEDS OF THE TAX. The costs of collecting the tax, including (but without limitation to) the cost of necessary clerical help, shall be paid by the governing body from the proceeds of the tax, and the balance of said proceeds remaining after payment of such costs shall be used for the maintenance and support of the public school system of the county, including (but without limitation to) the construction and equipment of school houses and the payment of the principal of and the interest on obligations issued to finance such construction and equipment, or either of them. After deduction of the collection costs, the governing body shall pay over the remaining balance of the proceeds of the tax to the custodian of the public school funds of the county, to be by him disbursed on the order of the County Board of Education of the county for school purposes as provided in this section. In the event that the County Board of Education of the county shall, pursuant to authorization conferred by any general law heretofore or hereafter enacted, pledge any part of the proceeds of the tax for the benefit of obligations issued pursuant to authorization by general law, then the proceeds so pledged shall be first applied in satisfaction of the pledge so made before being used for any other purpose; and if more than one such pledge shall be made, the tax proceeds shall be applied in satisfaction of such pledges in the order in which they may be made. Nothing in this section shall be construed to authorize the issuance of securities or the making of a pledge.

Section 16. TERMINATION OF LEVY UNDER ACT NO. 271. The levy heretofore made by the governing body of the excise tax authorized under Act No. 271 adopted at the 1943 Regular Session of the Legislature of Alabama shall cease and terminate upon the effective date of this act, and the governing body shall thereafter have no authority to make any further levy under said Act No. 271. The collection and enforcement provisions and all provisions as to the maintenance of records that are contained in said Act No. 271 shall continue in force in order that the excise tax imposed under that act that shall have accrued prior to the termination of the levy may be duly collected.

Section 17. SEVERABILITY. If any section, clause, provision or portion of this act shall be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect any other section, clause, or provision of this act which is not in and of itself unconstitutional.

Section 18. EFFECTIVE DATE. This act shall become ef-

fective at 12:01 A. M. on the first day of the month following its approval by the Governor or its otherwise becoming a law.

Approved May 30, 1951.
Time: 10:02 A. M.

Act No. 55

H. 224—Fite (Marion)

AN ACT

To amend Sections 1 and 3 of an Act entitled "An Act To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation," approved May 15, 1943, and as amended July 1, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of An Act entitled "An Act To abolish the office of Deputy Solicitor of Marion County, and to create in lieu thereof the office of County Solicitor of Marion County; to provide for said County Solicitor and for his election; and prescribe his term of office, powers, duties, jurisdiction and compensation," approved May 15, 1943, and as amended July 1, 1947, be and the same hereby is amended to read as follows:

"Section 1. That the office of Deputy Solicitor of Marion County is hereby abolished, and there is hereby created in lieu thereof the office of County Solicitor of Marion County. At the general election in 1946, and every four years thereafter, the County Solicitor of Marion County shall be elected by the qualified voters of Marion County, and the County Solicitor so elected shall hold office for four years, commencing on the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The County Solicitor shall receive an annual salary of twenty-four hundred dollars, payable in twelve equal installments, from the general fund of the county."

Section 2. That Section 3 of said Act described in Section 1 hereof be and the same is hereby amended so as to read as follows: "Section 3. The County Solicitor shall prosecute all criminal cases in the County Court and shall assist the Circuit Solicitor in prosecuting all appeals therefrom to the Circuit Court, and shall have all the powers of, and shall perform all other duties now or hereafter provided by general law for, Deputy Solicitors. In addition to his other duties he shall, without additional compensation, act as guardian ad litem in all causes and proceedings in all courts of Marion County wherein a guardian ad litem may be required, and shall make investigations, aid and assist the Juvenile Court of said County when so requested by the Judge thereof."

Section 3. This Act shall take effect upon its approval by the Governor.

Approved May 30, 1951.

Time: 10:05 A. M.

Act No. 56

H. 251—Harvey, Pruitt

AN ACT

To extend, alter, and rearrange the boundary lines and corporate limits of the Town of York in Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of York in Sumter County, Alabama, are hereby extended, altered, and rearranged so that all the lands described herein shall lie within the corporate limits of such municipality: "Beginning at the Northeast corner of the Southwest quarter of Section 27, Township 18 North, Range 3 West, thence run West along the North line of said Southwest quarter to the Northwest corner of said Southwest quarter; thence continue West along the North line of the South half of Section 28 to the Northwest corner of said South half of Section 28; thence continue West along the North line of the South half of Section 29 to the Northwest corner of said South half of Section 29; thence run South along the West line of said Section 29 to the Southwest corner of said Section 29; thence continue South along the West line of Section 32 to the Southwest corner of said Section 32; thence continue South along the West line of Section 5, Township 17 North, Range 3 West to a point where said West line of said Section 5 intersects the North bank of Toomsuba creek; thence run in a Southeasterly direction down said creek, following its meandering course along the North bank of said creek to a point where said North bank of said Toomsuba creek intersects the North bank of Alamuchee creek; thence run in a Northeasterly direction down said Alamuchee creek, following its meandering course along the North bank of said Alamuchee creek to a point where said North bank of said creek intersects the East line of the West half of Section 34, Township 18 North, Range 3 West; thence run North along the said East line of the West half of Section 34 to the Northeast corner of said West half of said Section 34; thence continue North along the East line of the Southwest quarter of Section 27 to the point of beginning. The area of the said town of York, Alabama, which lies within the above described boundary lines is located in the following subdivision, as shown by the Government surveys thereof, viz:

The Southwest quarter (SW $\frac{1}{4}$) of Section 27, Township 18 N., Range 3 W.

The South half (S $\frac{1}{2}$) of Section 28, Township 18 North, Range 3 West

The South half (S½) of Section 29, Township 18 North, Range 3 West

All of Section 32, Township 18 North, Range 3 West

All of Section 33, Township 18 North, Range 3 West

The West half (W½) of Section 34, Township 18 North, Range 3 West.

That part of the West half (W½) of Section 3, Township 17 North, Range 3 West lying North of Alamuchee creek.

That part of Section 4, Township 17 North, Range 3 West lying North of Toomsuba and Alamuchee creeks.

That part of Section 5, Township 17 North, Range 3 West lying North of Toomsuba creek."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 30, 1951.

Time: 10:08 A. M.

Act No. 57

H. 288—Coburn

AN ACT

Relating to Colbert County: To provide the Sheriff with additional deputies and fixing their compensation, which shall be paid by the County; repealing Act No. 43, approved June 2, 1949, entitled, "An Act, relating to Colbert County: To provide the sheriff with additional deputies and fixing their compensation which shall be paid by the County; repealing Act No. 46, approved May 28, 1943, entitled, "An Act to allow the Sheriff of Colbert County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the General Funds of Colbert County in monthly installments."

Be It Enacted by the Legislature of Alabama:

Section 1. That act No. 43 of the 1949 Local Acts of Alabama, approved June 2, 1949, and entitled "An Act, relating to Colbert County: To provide the Sheriff with additional deputies and fixing their compensation which shall be paid by the County; repealing Act No. 46, approved May 28, 1943, entitled, "An Act to allow the Sheriff of Colbert County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the General Funds of Colbert County in monthly installments," be and the same is hereby repealed.

Section 2. That the Sheriff of Colbert County is hereby allowed three deputies in addition to the deputy now provided by

law, which said deputies shall receive salaries of \$2,400.00 per annum, respectively, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriffs shall be eligible to perform the duties of deputy sheriff anywhere in said county.

Section 3. That on the first day of each month a statement of the names and amounts due said deputy sheriffs shall be furnished to the Colbert County Board of Revenue of Colbert County by the sheriff of said county and it shall thereupon be the duty of the said Colbert County Board of Revenue to order warrants drawn upon the General Funds of said County, payable to said deputy sheriffs, for the amount of one month's salary as hereinabove provided.

Section 4. That all laws and parts of laws in conflict with this act are hereby expressly repealed, and this Act shall be of full force and effect from the date of its approval by the Governor.

Approved May 30, 1951.

Time: 10:10 A. M.

Act No. 58

H. 83—Cole, Brassell

AN ACT

Relating to the times for holding court in the Twenty-sixth Judicial Circuit: fixing the times, dates, sessions, and terms of said court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Circuit Court of the Twenty-sixth Judicial Circuit shall convene on the first Monday in April and October of each year for the trial of civil cases before a jury, at which times a grand jury shall also be empanelled to inquire into the affairs of the court and county. Each such session may, at the discretion of the court, continue for two weeks if necessary to clear the docket of the court.

Section 2. In addition to the sessions provided for in Section 1, the Circuit Court of the Twenty-sixth Circuit shall convene on the fourth Monday in April and October of each year for the trial of criminal cases, which sessions may, at the discretion of the court, continue for two weeks if necessary to clear the docket of the court.

Section 3. A regular non-jury session of said circuit court of said judicial circuit shall be provided for and held on the first Monday in March, June, September, and December of each year, except when jury terms are in session, for the trial of non-jury law cases and equity cases, for hearing motions, for settling pleadings, for taking default judgments, and for the transaction

of such other business as may be presented to the court, may be before the court, or on the dockets of the court not requiring a jury for the trial of said cases or for the disposition of said matters. Such non-jury, pleading, motion, and equity sessions shall continue from day to day until the business of the court is properly disposed of or until its docket is cleared.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 30, 1951.

Time: 10:04 A. M.

Act No. 59

H. 197—White (Covington)

AN ACT

To make an additional appropriation for regional education for the fiscal year ending September 30, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated to the State Board of Education out of the State Treasury for the fiscal year ending September 30, 1951, the amount of \$8,500.00 or as much thereof as may be necessary to meet requests for grants from residents of Alabama for graduate and professional instruction not available to them at state-supported educational institutions; which appropriation will be in addition to the appropriation made for this purpose by Act No. 563 of the 1949 regular session of the legislature; said appropriation to be paid from the Alabama Special Educational Trust Fund Account and to be expended in accordance with Act No. 64 approved June 1, 1945.

Section 2. That this act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved May 30, 1951.

Time: 10:07 A. M.

Act No. 60

H. 141—Scruggs

AN ACT

Providing for the appointment by the Clerk of the Circuit Court of Marshall County, Alabama, of a deputy clerk, to require the services of such deputy clerk at his office at all times and to fix the duties, authority, compensation and the manner of payment of the compensation of such deputy clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. That upon the passage and approval of this Act, or its otherwise becoming a law, the Clerk of the Circuit Court of Marshall County, Alabama, be and he is hereby required to appoint a deputy clerk of said Court whose office shall be in the office of the Clerk of said Court and who shall devote his or her entire time to the duties of said office. Said deputy clerk before entering upon the duties of such office shall be required to take the oath required by law of Clerks of Circuit Courts and shall be charged with all of the duties and have all of the powers and authority of the Clerk of the Circuit Court of said county. Said deputy clerk of the Circuit Court of said county shall also be ex officio Clerk of the County Court of said County by virtue of being a deputy clerk of said County; that the salary and compensation of said deputy clerk be and the same is hereby fixed at the sum of One Hundred Fifty Dollars per month, payable monthly out of the general funds of said county, or any other funds of said county, upon certificate of the Clerk of said Court that such person is said deputy clerk of said Court and said payment shall be a preferred claim against said funds.

Approved May 30, 1951.

Time: 10:13 A. M.

Act No. 61

H. 304—Baker

AN ACT

To Amend Sections 1, 6, 9, 28 and 29 of An Act Entitled, An Act "To Establish A Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for its officers, their duties and powers and compensation; to provide for trial tax and other fees; to provide that said Court shall be open at all times for the trial of cases and transactions of business; prescribing rules and procedure for said Court; to provide for an official Court Reporter for said Court and fix his compensation; and to provide for the transfer of causes now or hereafter pending in the County and Circuit Courts of Lauderdale County, Alabama, to the Law and Equity Court of Lauderdale County; to abolish the County Court of Lauderdale County and the office of Deputy Solicitor for Lauderdale County," approved May 29, 1931 as amended by Act of the Legislature approved July 7, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section One of an Act of the Legislature, approved May 29, 1931 as amended by an Act of the Legislature approved July 7, 1947, entitled "An Act to Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for its officers, their powers and duties and compensation; to provide for trial tax and other fees, to provide that said Court shall be open at all times for the trial of cases and transaction of business, prescribing rules and procedure for said Court; to provide for an official Court Reporter for said

Court and fix his compensation and to provide for the transfer of causes now or hereafter pending in the County and Circuit Courts of Lauderdale County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County," be amended so as to read as follows: Section One: That there be and there is hereby established in and for the County of Lauderdale, a Law and Equity Court, which shall be called the Law and Equity Court of Lauderdale County, and shall be a Court of Record, and which shall have and exercise concurrent jurisdiction, authority, functions and powers now conferred or which may hereafter be conferred upon the Several Circuit Courts of the State in all Civil Matters and Cases and in Equity, provided, however, that the Law and Equity Court shall not have jurisdiction to try persons charged with felonies. Further, that the Law and Equity Court shall have exclusive and original jurisdiction of all cases arising under Title 34, Article 3, Sections 89 to 104 both inclusive of the Code of Alabama of 1940, or as hereafter amended, including all powers now held by juvenile court, which Article 3 is entitled "Desertion and Non-Support". That the trial of such cases shall be by either non-jury or jury trial as in criminal cases in said Court with all the rights and rules attendant upon criminal cases in said Court as to jury trial. That any appeal taken from the decision and judgment in cases of Desertion and Non-Support shall be direct to the Court of Appeals or Supreme Court of Alabama as is hereinafter provided in all other cases in said Court. That immediately upon approval of this Act, the Judge of the Probate, or Juvenile Court of Lauderdale County, Alabama, shall enter orders on his Desertion and Non-Support Docket, transferring all pending cases to the Law and Equity Court of Lauderdale County, it being the intention here to confer complete, full and unlimited and exclusive jurisdiction upon the Law and Equity Court of all Domestic Relations matters arising under Title 34, Article 3, Sections 89 to 104 both inclusive of the Code of Alabama, of 1940 as amended or as hereinafter may be amended; that upon said transfer of said cases, the same, together with all new cases thereafter instituted shall be entered in a trial docket and files kept and all matters recorded by the Ex-Officio Register of the Law and Equity Court, in Equity, who shall be the official clerk of the Desertion and Non-Support Division of said Court and he shall have all the powers in such matters as now or hereinafter shall be held by the Clerk of the Criminal Division of the Law and Equity Court, including issuing subpoenas for witnesses and paying witnesses as provided in criminal Cases and in said Court and shall receive for his services the same fees as now or hereafter are or may be received by the Clerk in criminal cases and the sheriff shall receive the same fees as in criminal cases in said Court, all such fees including trial tax and reporter fees to be taxed and collected as in other criminal cases, provided, however, that in cases involving Desertion

and Non-Support no solicitor's fee shall be collected. Dockets and supplies for said Division of said Court shall be furnished as now provided in criminal Court.

Section 2. That Section Six of the said Act, approved May 29, 1931, and amended by Act approved July 7, 1947 shall be and is amended so as to read as follows: Section Six: That the Judge of said Court shall receive a salary of Seven Thousand, Two Hundred Dollars per year, payable Six Hundred Dollars per month, out of the general fund of the County Treasury at the end of each month or one half of said amount semi-monthly, at the election of the Judge of said Court, payable on warrants drawn by said Judge and that there shall be taxed as a trial tax or fee the sum of \$3.00 in all cases entered on the docket in said Court, both original cases and supplemental cases growing out of original cases, including forfeitures on bonds, garnishments, contempt hearings and claim suits, but shall not include motions for rehearings. Said trial tax or fee in all cases shall, when collected, be paid by the Clerk or Register of said court into the County Treasury for the benefit of the general fund, both on the law side and Equity side of said Court.

Section 3. That Section Nine of said Act, approved May 29, 1931, as amended by Act approved July 7, 1947 shall be and is amended so as to read as follows: Section Nine: That the duties of the Solicitor of said Law and Equity Court shall be the same as now provided by law for Deputy County Solicitors; however, in addition to the duties now imposed upon the said Solicitor under Section 8 of said Act approved May 29, 1931 and amended by Act approved July 7, 1947 and under this section Nine, the said Solicitor of the Law and Equity Court of Lauderdale County, Alabama, shall perform the following extra, new and additional duties:

(a) He shall carefully read and check the transcript of evidence in all criminal cases appealed from the Law and Equity Court to the Court of Appeals or to the Supreme Court of Alabama, including all appeals from Desertion and Non-Support Cases, and call to the attention of the trial Judge any errors or discrepancies that may appear in said transcript of evidence. (b) He shall, whenever requested by the Attorney General of the State of Alabama, file memorandum briefs in all criminal cases appealed from the Law and Equity Court to the Court of Appeals or to the Supreme Court of Alabama. (c) He shall attend all hearings on any application for probation, or on any application for suspension of sentence in said Law and Equity Court, and furnish the trial Judge, or the Judge hearing the application with all information in his possession concerning the application for probation or suspension of sentence. (d) He shall assist the Circuit Court Solicitor in representing the Board of Registrars of the County of Lauderdale in all civil suits for damages that are

filed against said Board of Registrars, arising out of the performance of their official duties, in either the Law and Equity Court, Circuit Court in his County, or in the United States District Courts. (e) He shall attend all clemency hearings before the Governor of Alabama, in all cases arising in the Circuit Court in Lauderdale County, and furnish the Governor, at such hearings, with all pertinent information in his possession concerning the applicant or applicants for clemency. (f) He shall prosecute in the Law and Equity Court all cases of Non-Support and Desertion. (g) For the performance of the extra, new and additional duties hereby imposed upon such Solicitor, he shall be paid an additional compensation in the amount of Eleven Hundred Dollars per year, such additional compensation to be paid out of the general fund of the County in the same manner as provided in Section 8.

Section 4. That Section Twenty Eight of said Act, approved May 29, 1931, as amended by Act approved July 7, 1947 shall be and is amended so as to read as follows: Section Twenty Eight: The Judge of said Court shall secure the services of a competent shorthand writer to attend the terms of the Court and report in shorthand all the cases tried in said Court and during the time he or she is an officer of this Court, and he or she shall receive a salary to be fixed by the Judge of said Court and not to exceed One Hundred, Fifty Dollars per month and said salary shall be paid in monthly installments at the end of each month, or semi-monthly at the election of said reporter and shall be paid from the funds of the County drawn thereon by the Judge of this Court in the same manner as the salaries of the Judge and Solicitor are paid; provided, however, that the Judge of this Court shall have the right to remove said reporter from office at his pleasure, and when not actually engaged in the work of the Court as reporter, he or she shall serve as office stenographer and attendant to said Judge in his office. In addition to the compensation herein provided, said reporter shall be entitled to tax and collect from the litigant or attorneys for whom he or she is making a transcript of the evidence, the sum of ten cents per hundred words for said transcript and five cents per hundred words for each copy thereof, and when such transcript is made the reporter shall append thereto his or her certificate to the correctness of the same as such official reporter. The Stenographer's notes shall be preserved and filed as now provided by law in the Circuit Courts.

Section 5. That Section Twenty Nine of said Act, as approved May 29, 1931 as amended by Act approved July 7, 1947 be and it is amended to read as follows: Section Twenty Nine: That in all cases reported by such reporter in this Court there shall be taxed and collected as a part of the cost of the case a fee of \$5.00 for each day or fraction thereof, that such reporter shall be engaged in reporting a case, and when collected to be paid by the Clerk into the Treasury of Lauderdale County, Alabama.

Section 6. That if, for any reason, any section, provision or clause of this amended Act be held unconstitutional or invalid, then that fact shall not destroy the constitutionality or validity of the Act, except as to such clause or section.

Section 7. That all laws, both local and general, in conflict with this Amended Act be and the same are hereby repealed.

Section 8. That this Amendment to said Act approved May 29, 1931 as amended by Act approved July 7, 1947 shall take effect immediately upon passage by the legislature and approval thereof.

Approved May 30, 1951.

Time: 10:11 A. M.

Act No. 62

H. 142—Scruggs

AN ACT

To fix the territorial jurisdiction, subdivision jurisdiction or jurisdiction of area of the City Planning Commission of the City of Guntersville, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this act, or its otherwise becoming a law, the City Planning Commission, or any other Planning Commission, having jurisdiction within the City of Guntersville, Alabama, shall be limited in its area or territorial jurisdiction or subdivision jurisdiction to the corporate limits of the said City and it shall have no jurisdiction beyond the corporate limits of said City for any purpose whatsoever.

Approved May 30, 1951.

Time: 10:16.

Act No. 63

H. 143—Scruggs

AN ACT

Fixing the time of holding the regular public meetings of the City Commission of the City of Guntersville, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That on and after the passage and approval of this act, or its otherwise becoming a law, the Board of Commissioners of the City of Guntersville shall hold regular public meetings on the second and fourth Tuesdays of each and every month at some regular hour to be fixed by said Board from time to time and publicly announced by it; and it may hold such adjourned, called and other meetings as may be necessary or convenient but shall

not be required by law to meet on Tuesday of each and every week.

Approved May 30, 1951.

Time: 10:15 A. M.

Act No. 64

H. 144—Scruggs

AN ACT

To provide for three additional deputy sheriffs for Marshall County, Alabama, in addition to the chief deputy now authorized by law to fix their salaries, the time and method of payment of their salaries, making their salaries a preferred claim against the general fund of said county, to prescribe their duties and provide when this Act shall take effect.

Be It Enacted by the Legislature of Alabama:

Section 1: That the Sheriff of Marshall County, Alabama, in addition to the chief deputy sheriff for said county be and he is hereby allowed three additional deputy sheriffs for said county whose salaries shall be paid by said county out of the general funds of said county, and whose salaries shall be a preferred claim against said funds, to be paid monthly on the first day of each month on the certificate of the sheriff that such person is such deputy sheriff in said county and appointed by him. Two of said deputies shall each be paid a salary of not less than one hundred seventy five dollars nor more than two hundred fifty dollars per month, to be fixed by a resolution adopted by the Court of County Commissioners of said county and entered upon the Minutes of said Court. The other deputy shall be likewise paid a salary of one hundred twenty five dollars per month. Said deputies shall perform any and all duties prescribed by law to be performed by deputy sheriffs in this State and in addition shall act as bailiffs and wait upon the courts of said county when in actual session without any additional compensation for such extra work except that fixed by this act.

Approved May 30, 1951.

Time: 10:30 A. M.

Act No. 65

H. 146—Scruggs

AN ACT

To repeal an Act entitled "An Act to Amend an Act entitled 'An Act to allow the Sheriff of Marshall County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and make the same payable out of the general fund of Marshall County, Alabama, in monthly installments'", approved June 16th, 1945, relating to an additional Deputy Sheriff of Marshall County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That an Act entitled, "An Act to Amend an Act

entitled 'An Act to allow the Sheriff of Marshall County, Alabama, an additional deputy sheriff, to that now provided by law; to fix the salary of said Deputy and make the same payable out of the General Funds of Marshall County, in monthly installments', approved June 16th, 1945, be and the same is hereby repealed.

Approved May 30, 1951.
Time: 10:17 A. M.

Act No. 66

H. 147—Scruggs

AN ACT

To repeal an Act entitled "An Act to provide for an additional Deputy Sheriff for Marshall County, Alabama, to fix his salary, time and method of its payment, funds that it shall be paid from and make it a preferred claim against the general fund and provide when this Act shall take effect", approved August 1st, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That an Act entitled "An Act to provide for an additional Deputy Sheriff for Marshall County, Alabama, to fix his salary, time and method of its payment, funds that it shall be paid from and make it a preferred claim against the general fund and provide when this Act shall take effect", approved August 1st, 1947, be and the same is hereby repealed.

Approved May 31, 1951.
Time: 10:18 A. M.

Act No. 67

S. 148—Hollis

AN ACT

To validate elections held since June 16, 1949, under the provisions of Articles 6 and 7 of Chapter 10, Title 52, Code of Alabama, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. All elections, whether in county or city school districts or in counties at large, which have been held since June 16, 1949, under the provisions of Articles 6 and 7 of Chapter 10, Title 52, Code of Alabama, 1940, or under any other law, for the purpose of authorizing a special tax for any school purpose or for school purposes generally under the Constitution of Alabama, which said elections resulted in a majority of the votes cast being in favor of the said tax and which said elections were irregular by reason of failure prior to the actual holding of the elections to give notice thereof in a newspaper or by reason of any other irregularity, be and the same are hereby ratified and confirmed and given effect in all respects as if all provisions of law relating to such elections had been duly and legally complied with, and

the said tax may be levied and collected accordingly; provided that the provisions of this Section shall not apply to elections which have been in express terms held and declared illegal by any board of revenue or court of county commissioners or by the Supreme Court of Alabama prior to the passage of this act.

Section 2. This act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 5, 1951.

Time: 11:30 A. M.

Act No. 68

H. 34—Givhan, Engelhardt, Garrett, Hall,
Sellers, Dawkins and Molette

AN ACT

To abolish the Alabama State Markets Board created and established by Act No. 32, of the Legislature of 1943, approved May 21, 1943; to transfer all functions, powers and duties of the Alabama State Markets Board, together with real and personal property and all other assets to the State Board of Agriculture and Industries; to provide for the administration of powers, authority, duties and functions hereby conferred upon the State Board of Agriculture and Industries, and to repeal Sections 1, 2 and 5 of Act No. 32 of the Legislature of 1943, approved May 21, 1943.

Be It Enacted by the Legislature of Alabama:

"Section 1. The Alabama State Markets Board created by and existing pursuant to Act No. 32 of the Legislature of 1943, approved May 21, 1943, General Acts of Alabama of 1943, page 25, is hereby abolished and all powers, authority, duties and functions now by law vested in, conferred upon or required to be exercised by said Board are hereby transferred to, vested in and conferred upon the State Board of Agriculture and Industries, created and established pursuant to Chapter 1, Article 3, Title 2, Code of Alabama 1940. Such transfer to the State Board of Agriculture and Industries shall include all property, real and personal, together with all debts, mortgages, liens, leases, notes, choses in action and other evidences of indebtednesses and all other assets of every kind held by the State Markets Board. All powers, authority, duties and functions now exercised by the State Markets Board shall hereafter be exercised by the State Board of Agriculture and Industries and the administrative duties necessary to carry out such powers, authority, duties and functions shall be performed by the State Department of Agriculture and Industries."

Section 2. Sections 1, 2 and 5 of Act No. 32 of the Legislature of 1943, approved May 21, 1943, General Acts of Alabama of 1943, page 25, are hereby repealed, provided, however, that nothing herein shall be construed to affect the validity of the remaining provisions of said Act.

Section 3. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 4. This Act shall become effective October 1, 1951.

Approved June 6, 1951.

Time: 5:59 P. M.

Act No. 69

H. 73—Garrett

AN ACT

To repeal Section 62 of Title 2, of the Code of Alabama 1940, which requires shippers of commercial feeds to notify the Commissioner of Agriculture and Industries of certain shipment of such feeds, and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 62 of Title 2 of the Code of Alabama 1940, be, and the same is, hereby repealed.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:01 P. M.

Act No. 70

H. 74—Garrett

AN ACT

To amend Section 66 of Title 2, Code of Alabama 1940, which relates to the sale of corn, corn-cobs and shucks as a commercial feed.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 66 of Title 2, Code of Alabama 1940 be, and the same is, hereby amended to read as follows: "Section 66.—Commercial feed containing as an ingredient corn-cobs or shucks, or a mixture of ground corn-cobs and shucks, may be sold provided such commercial feed is sold in accordance with the requirements of this article and the rules and regulations of the State Board of Agriculture and Industries. Crushed or ground whole ear corn when sold by itself is a commercial feed, as defined in Section 56 of this article, and the sale thereof within this State shall be governed by the provisions of this article and the rules and regulations prescribed by the State Board of Agriculture and Industries."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:03 P. M.

Act No. 71

H. 75—Garrett

AN ACT

To repeal Section 292 of Title 2, of the Code of Alabama 1940, which requires shippers of fertilizers and fertilizer materials to notify the Commissioner of Agriculture and Industries of certain shipments of such fertilizers and fertilizer materials, and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 292 of Title 2 of the Code of Alabama 1940 be, and the same is, hereby repealed.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:05 P. M.

Act No. 72

H. 218—Garrett

AN ACT

To authorize and empower the Tax Collector of Monroe County, Alabama, to appoint a Clerk, to fix the salary of said Clerk and provide the method of payment of said salary, and to provide for and require said Clerk to enter into an official bond in the sum of Twenty-five Hundred Dollars, conditioned and payable as required by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Collector of Monroe County, Alabama, is hereby authorized and empowered to appoint a Clerk, to hold office at the pleasure of the Tax Collector of said County.

Section 2. Said Clerk so appointed shall be paid a salary to be fixed by The County Commission of Monroe County, Alabama, which salary shall not be more than One Hundred Dollars per month.

Section 3. The County Commission of Monroe County, Alabama, is hereby authorized and required to draw salary warrants monthly in favor of said Clerk for the payment of the salary so fixed by it, which warrants shall be drawn upon and payable out of the General Funds of said County.

Section 4. Said Clerk shall make an official bond, conditioned and payable as required by law, in the sum of Twenty-Five Hundred Dollars, for the faithful performance of the duties of the office of such Clerk.

Section 5. Should any section, clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions hereof.

Section 6. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 6, 1951.
Time: 5:50 P. M.

Act No. 73

H. 219—Garrett

AN ACT

To authorize and empower the Tax Assessor of Monroe County, Alabama, to appoint a Clerk, to fix the salary of said Clerk and provide the method of payment of said salary, and to provide for and require said Clerk to enter into an official bond in the sum of Five Hundred Dollars, conditioned and payable as required by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Monroe County, Alabama, is hereby authorized and empowered to appoint a Clerk, to hold office at the pleasure of the Tax Assessor of said County.

Section 2. Said Clerk so appointed shall be paid a salary to be fixed by The County Commission of Monroe County, Alabama, which salary shall not be more than One Hundred Dollars per month.

Section 3. The County Commission of Monroe County, Alabama, is hereby authorized and required to draw salary warrants monthly in favor of said Clerk for the payment of the salary so fixed by it, which warrants shall be drawn upon and payable out of the General Funds of said County.

Section 4. Said Clerk shall make an official bond, conditioned and payable as required by law, in the sum of Five Hundred Dollars, for the faithful performance of the duties of the office of such Clerk.

Section 5. Should any section, clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions hereof.

Section 6. This Act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 6, 1951.
Time: 5:57 P. M.

Act No. 74

S. 57—Wright

AN ACT

To make an appropriation to the Alabama Institute for Deaf and Blind to be used for the purchase of three buildings for the use of the Adult Blind Department of the Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama Institute for Deaf and Blind out of any funds in the State treasury not otherwise appropriated the sum of twenty-three thousand dollars (\$23,000) to be used solely for the purchase of the three buildings which are now being used and which shall be used in the future for the Adult Blind Department of the Institute. The appropriation made herein shall be in addition to all other appropriations heretofore made to the Alabama Institute for Deaf and Blind.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:07 P. M.

Act No. 75

S. 241—Foster

AN ACT

To alter or re-arrange the boundary lines of the City of Huntsville, Madison County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory in Madison County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Huntsville, Madison County, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said City of Huntsville all territory now within such corporate limits and also certain other territory in Madison County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Madison, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

All that part of Section 31, Township 3 south, Range 1 east; Sections 25, 34, 35 and 36, Township 3 south, Range 1 west; and Sections 1, 2, 3 and 12, Township 4 south, Range 1 west; and Sections 5, 6 and 7, Township 4 south, Range 1 east, particularly described as beginning at the center of Section 7, Township 4 south, Range 1 east; said place of beginning is further described as being located in the center of Donegan Lane due east 1520 feet from the center of intersection of Whitesburg Drive and Donegan Lane; thence from the beginning north 3960 feet to the center of the west boundary of the Southeast quarter of Section 6, Township 4 south, Range 1 east; thence east 3960 feet to the center of the Southwest quarter of Section 5, Township 4 south, Range 1 east; thence north 1320 feet to the center of the north boundary

of the Southwest quarter of said Section 5, Township 4 south, Range 1 east; thence west 3960 feet to the center of Section 6, Township 4 south, Range 1 east; thence north 5280 feet to the center of Section 31, Township 3 south, Range 1 east; said point is further described as being located in the center of the intersection of Wells Avenue and 15th Street; thence due west along the center of Wells Avenue 350.0 feet to the intersection of centerline of Wells Avenue with the west margin of 14th Street; thence due north along the west margin of 14th Street 2610 feet to the South margin of McCullough Avenue; thence due west along the South margin of McCullough Avenue 3880 feet to a point on the old city limits boundary line; thence north 33 degrees 30 minutes west along the old corporate limits line 1485 feet to an angle in same; thence south 56 degrees 30 minutes west along the old corporate limits line 7020 feet to a point on the north margin of the southwest quarter of Section 35, Township 3 south, Range 1 west; said point is further described as being 420.0 feet west of the center of said Section 35; thence west 4860 feet to the center of Section 34, Township 3 south, Range 1 west; thence south 1 degree 3 minutes west 2539.7 feet to a point in the center of Athens Pike or Athens Street; thence north 77 degrees 0 minutes east along the center line of said Athens Pike or Athens Street 2218.0 feet to a point at the center line of Eighth Street; thence due south along the center line of said Eighth Street 1320.0 feet to a point on the north margin of the Southern Railway right-of-way; thence along the north margin of said Southern Railway right-of-way north 71 degrees 0 minutes east 875.0 feet to a point opposite the center line of Lowry Street, thence south 32 degrees 30 minutes east 1360.0 feet to a point in the center of Hall Street; thence north 55 degrees 42 minutes east along the center line of said Hall Street 150.0 feet to a point opposite the west margin of Second Clinton Addition; thence south 34 degrees 11 minutes east along the west margin of said Second Clinton Addition 482.5 feet to a point in the center of West Clinton Street; thence north 56 degrees 30 minutes east along the center line of said West Clinton Street 100.0 feet to a point opposite the center line of Dewell Street; thence south 33 degrees 30 minutes east along the center line of said Dewell Street 920.0 feet to a point in the center of Fifth Avenue; thence due east along the center line of said Fifth Avenue 2695 feet to a point on the old corporate limits line; thence south 33 degrees 30 minutes east along the old corporate limits line 2100 feet to an angle in same; thence north 56 degrees 30 minutes east 475.0 feet to a point on the east margin of the NC&StL Railway right-of-way; said point is further described as being south 1490 feet and west 1615 feet from the center of Section 1, Township 4 south, Range 1 west; thence south 17 degrees 0 minutes east along the east margin of said NC&StL Railway right-of-way 3855 feet to a point on the South margin of Northwest quarter of Section 12, Township 4 south, Range 1 west; said point is further described as being in the center of Donegan Lane; thence east along the

center of said Donegan Lane 5720 feet to the center of Section 7, Township 4 south, Range 1 east, which is the place of beginning.

Section 2. That the boundaries set out in Section 1 of this Act be, and the same are, hereby established as the corporate limits of the City of Huntsville, Madison County, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Huntsville, Madison County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. This Act shall go into effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:17 P. M.

Act No. 76

H. 145—Scruggs

AN ACT

To amend Section 2 of an Act entitled "An act fixing the compensation or salary of the Members of the Court of County Commissioners in Marshall County, Alabama, and requiring that they devote their full time to the duties of their office and to provide for the manner and method of such payment and to provide pickup truck for their use and to provide when this act shall go into effect", approved July 17th, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an act of the Legislature entitled "An Act fixing the compensation or salary of the members of the Court of County Commissioners in Marshall County, Alabama, and requiring that they devote their full time to the duties of their office and to provide for the manner and method of such payment and to provide pickup truck for their use and to provide when this act shall go into effect", approved July 17th, 1947, be and the same is hereby amended to read as follows:

"Section 2. That on and after the passage and approval of this Act or its otherwise becoming a law the salary or compensation of each of the members of the Court of County Commissioners of Marshall County, Alabama, be and is hereby fixed in the sum of Two Hundred Fifty Dollars per month payable monthly out of the general fund of said county or out of any monies belonging to the road and bridge fund of said county or of the gasoline or motor fuels tax monies appropriated to said county which shall be in full of all compensation to be paid to each of said members of said Court of County Commissioners and that the salary or compensation of the Judge of Probate of said county, as

chairman of said Court of County Commissioners of Marshall County, Alabama, and as Secretary of said Court of County Commissioners, and for his services as purchasing agent for said County be and the same is hereby fixed at One Hundred Dollars per month, payable monthly, out of the general fund of said county or out of any monies belonging to the road and bridge fund of said county or out of the gasoline or motor fuels tax monies appropriated to said county, which shall be in full of all compensation to be paid to him for his said services to said Court of County Commissioners as chairman of said Court or as secretary of said Court and as purchasing agent for said County.

Approved June 6, 1951.

Time: 6:10 P. M.

Act No. 77

H. 287—Simpson

AN ACT

To impose extra, new, and additional duties upon the members of the county governing body of Fayette County and to provide additional compensation for the performance thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That, in addition to all other duties now imposed upon them by law, the following extra, new, and additional duties are hereby imposed upon the members of the county governing body of Fayette County:

(a) The county governing body shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by the county governing body, and at such other times as are now provided by law.

(b) Each member of the county governing body shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed as to the condition of the public roads and bridges in his district.

(c) Each member of the county governing body shall perform such duties in connection with the construction and maintenance of public roads and bridges in his county as may be assigned to him, from time to time, by the county governing body, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed in regard to the same.

Section 2. For the performance of all other duties now imposed by law upon the members of the county governing body

of Fayette County and for the performance of these new, extra, and additional duties imposed upon them by this Act, the members of the county governing body shall receive compensation in the amount of two hundred and fifty (\$250.00) monthly, to be paid out of the gasoline and lubricating oil tax appropriated to the county or in the same manner as other county officers are paid.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:14 P. M.

Act No. 78

H. 301—Johnson, Adams (Tallapoosa)

AN ACT

To amend Act No. 455, H. 1048, approved July 17, 1931 (Local Acts, 1931, p. 225) entitled "An Act To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a Regular Deputy Sheriff at each of the following places in said County, to-wit: Dadeville, Alexander City and East Tallassee. To prescribe the duties of such Deputies and to provide for their compensation and the payment thereof by said County, and to fix the amount of such compensation," as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 and Section 3 of Act No. 455, H. 1048, approved July 17, 1931 (Local Acts, 1931, p. 225) entitled "An Act To provide and require that the Sheriff of Tallapoosa County, Alabama, shall appoint and maintain a Regular Deputy Sheriff at each of the following places in said County, to-wit: Dadeville, Alexander City and East Tallassee. To prescribe the duties of such Deputies and to provide for their compensation and the payment thereof by said County, and to fix the amount of such compensation," as amended, is amended further to read as follows:

"Section 2. The salary of each of said deputy sheriffs shall be as follows: The deputy sheriff appointed at Alexander City in said County shall be paid a salary of not less than eighteen hundred nor more than twenty-seven hundred dollars (\$2,700.00) per annum, to be fixed and paid by the governing body of Tallapoosa County, out of the general fund of said County, in equal monthly

installments, on warrants drawn by the Judge of Probate of said County payable on the 1st day of each month; the deputy sheriff appointed at Dadeville in said County shall be paid a salary of eighteen hundred dollars (\$1,800.00) per annum, to be paid by said Tallapoosa County out of the general fund of said county in equal monthly installments on warrants drawn by the Judge of Probate of said County payable on the 1st day of each month; the deputy sheriff appointed at Daviston in said Tallapoosa County shall be paid a salary of twelve hundred dollars (\$1,200.00) per annum, to be paid by said Tallapoosa County out of the general fund of said county in equal monthly installments on warrants drawn by the Judge of Probate of said County payable on the 1st day of each month; the deputy sheriff appointed at East Tallassee in said Tallapoosa County shall be paid a salary of not less than eighteen hundred nor more than twenty-seven hundred dollars (\$2,700.00) per annum, to be fixed and paid by the governing body of Tallapoosa County out of the general fund of said County in equal monthly installments, on warrants drawn by the Judge of Probate of said County payable on the 1st day of each month.

“Section 3. That each of said Deputy Sheriffs before entering upon his duties as such Deputy Sheriff shall make and file with the Judge of Probate of said County the oath of office required by law, and in accordance with the provisions of the Constitution of Alabama, and shall execute and file a bond with good and sufficient sureties in the sum of not less than one thousand dollars and not more than three thousand dollars, the amount of same to be fixed by the Sheriff, to be payable to and approved by the Sheriff of said County, and conditioned for the faithful performance and discharge of his duties as such Deputy Sheriff.”

Section 2. This Act shall become effective on the first day of the first calendar month commencing after the date of enactment.

Approved June 6, 1951.

Time: 6:12 P. M.

Act No. 79

S. 273—Robison

AN ACT

To provide for the purchase of real estate adjoining and/or adjacent to the Alabama State College for Negroes for use in the expansion of the College facilities: Making an appropriation to the State Board of Education for the purchase of such property.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the Alabama Special Educational Trust Fund Account the sum of two hundred thousand dollars (\$200,000) to the State Board of Education for

the purpose of purchasing certain tracts of real estate adjoining and/or adjacent to the property of the Alabama State College for Negroes to be used for expansion of the College facilities.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 6, 1951.

Time: 6:45 P. M.

Act No. 80

S. 163—Faulkner and Todd

AN ACT

To amend Sections 404 and 405, and repeal Section 18, Title 52, Code of Alabama (1940), which relate to the Committee on courses of study of the Department of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 52, Sections 404 and 405, Code of Alabama (1940) be, and the same are hereby amended to read as follows:

"Section 404. The State Board of Education shall appoint a Committee to be known as the Committee on Courses of Study, which shall be composed of fourteen members. The appointments to the committee shall be made from a list of not less than twenty-five teachers submitted by the State Superintendent of Education to the State Board of Education prior to July 1, 1951. All members of the Committee on Courses of Study at the time of their appointment and at all times while serving as members of said committee shall be actively engaged in teaching in the public elementary schools, high schools, normal schools or colleges of the State; four of such members shall be engaged in elementary work and four shall be engaged in secondary work. It shall be the duty of the committee to make a study of the courses taught in the public schools of the State and to prescribe courses of study for the elementary and high schools within the state, defining the minimum contents for the different kinds and grades of schools.

"Section 405. The Committee on Courses of Study shall also prepare, or cause to be prepared, for approval and adoption by the State Board of Education, the compulsory maximum contents of the courses of study for each grade of the elementary and secondary schools, and shall submit a report of their recommendations to the State Superintendent of Education at any time they deem necessary and at least one time in each two years. The State Superintendent of Education shall transmit said report, together with his recommendations to the State Board of Education. Members of the Committee on Courses of Study shall

serve for a period of four years and until their successors shall be appointed; and they shall meet at the call of the chairman. The State Superintendent of Education shall be ex-officio chairman of the committee, and the committee shall select a secretary who shall be charged with the duty of keeping an accurate record of its proceedings."

Section 2. Section 18, Title 52, Code of Alabama (1940), is hereby expressly repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 7, 1951.

Time: 3:15 P. M.

Act No. 81

H. 220—Fite (Marion)

AN ACT

Amending Sections 4 and 7 of an Act entitled "Levying in Marion County, Alabama, additional special privilege or license taxes and excise taxes equalling fifty percentum of, and otherwise paralleling with like provisions in Marion County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, except that only fifty percentum of the State Levy is hereby made and is to be collected hereunder in Marion County and providing for the collection thereof and providing that all such revenue arising from the levy herein made shall be used exclusively and solely for the following purposes: The total taxes collected for the first twenty-four months after the effective date of this Act must be spent by the Marion County Board of Revenue for the construction and equipping of a County Public Clinic to be located in the Town of Guin in Marion County, Alabama. Thereafter, the revenue arising from said taxes to be spent by said Marion County Board of Revenue for the construction, maintenance, operation and improvement of a Nurses Home at Hamilton, Alabama, for the County Public Hospital located in Hamilton, in Marion County, Alabama; for the maintenance, operation, and improvement of the County Public Hospital located at Hamilton, in Marion County, Alabama; for the maintenance, operation, and improvement of the County Public Clinic located at Guin, in Marion County, Alabama; and for other public purposes of any kind and description as in the judgment of said Marion County Board of Revenue is meet and proper" said Act being numbered 115 and being approved June 22, 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That Sections 4 and 7 of an Act entitled "Levying in Marion County, Alabama, additional special privilege or license taxes and excise taxes equalling fifty percentum of, and otherwise paralleling with like provisions in Marion County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, ex-

cept that only fifty percentum of the State Levy is hereby made and is to be collected hereunder in Marion County and providing for the collection thereof and providing that all such revenue arising from the levy herein made shall be used exclusively and solely for the following purposes: The total taxes collected for the first twenty-four months after the effective date of this Act must be spent by the Marion County Board of Revenue for the construction and equipping of a County Public Clinic to be located in the Town of Guin in Marion County, Alabama. Thereafter, the revenue arising from said taxes to be spent by said Marion County Board of Revenue for the construction, maintenance, operation, and improvement of a Nurses Home at Hamilton, Alabama, for the County Public Hospital located at Hamilton, in Marion County, Alabama; for the maintenance, operation, and improvement of the County Public Hospital located at Hamilton, in Marion County, Alabama; for the maintenance, operation, and improvement of the County Public Clinic located at Guin, in Marion County, Alabama; and for other public purposes of any kind and description as in the judgment of said Marion County Board of Revenue is meet and proper" numbered 115 and approved June 22, 1949, be and the same hereby are amended to read as follows:

"Section 4. The taxes herein levied shall be collected by the Department of Revenue of this State at the same time and along with the collection by such Department of Revenue of taxes levied and collected for the State of Alabama under Section 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto, and all reports now required to be made to the Commissioner of Revenue of the State of Alabama shall, on request of the Department of Revenue of Alabama, be available for inspection by the Chairman of the Marion County Board of Revenue, or his designated agent, at reasonable times during business hours. The State Department of Revenue shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the additional taxes levied herein, and shall have all the authority and duties in connection with such additional taxes as are now given by law to the said Department of Revenue for the collection of State Sales and Use Taxes under Section 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama and amendments thereto. It shall be the duty of the Commissioner of Revenue of the State of Alabama to pay into the State Treasury of Alabama all collections of taxes made hereunder, and on or before the first day of the following month such Commissioner of Revenue of the State Department of Revenue shall certify to the State Treasurer the amount of special taxes levied and collected under this Act for the use and benefit of Marion County during the calendar month immediately preceding the making of such certificate to the State Treasurer,

whereupon it shall be the duty of the State Treasurer to issue his warrant on the State Treasury, payable to the Marion County Board of Revenue for the amount so certified by the Commissioner of Revenue as having been collected for the use and benefit of Marion County and paid into the State Treasury. The State Department of Revenue shall charge Marion County for collecting said special taxes herein levied a percentage of said taxes to be computed on the basis that the total cost of collecting the State Sales and Use Taxes bear to the total of said State Sales and Use Taxes collected for each fiscal year ending September 30th. Such charge for collecting said special taxes shall be deducted once each year from the special sales and special use taxes collected in the month of September of each year before certifying the amount of special sales and special use taxes due Marion County for said month. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes levied by this Act and to otherwise enforce the provisions of this Act, including any litigation, past, present, or future, involving said Act; and said State Department of Revenue shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Marion County, Alabama.

"Section 7. All revenue arising from the taxes herein levied shall be used exclusively and solely for the following purposes: The total revenue arising from the taxes herein levied for the first twenty-four months after the first day of July 1949 must be spent by the Marion County Board of Revenue for the construction and equipping of a County Public Clinic in the Town of Guin, in Marion County, Alabama. Thereafter, the revenue arising from the tax levied hereunder shall be spent by said Marion County Board of Revenue for the maintenance, operation, and improvement of the County Public Hospital located at Hamilton in Marion County, Alabama; and for other public health purposes of any kind and description as in the judgment of said Marion County Board of Revenue is meet and proper. Within 12 months from the adoption of this amendment the Marion County Board of Revenue must issue warrants, notes, bonds, or other evidences of indebtedness against the revenue arising hereunder to the extent of not exceeding Forty Thousand Dollars and within said period must use said funds to construct and equip a County Public Clinic within the Town of Hackleburg in Marion County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 8, 1951.
Time: 9:15 A. M.

Act No. 82

S. 237—Phillips, Pinson, Whatley, Hollis, Todd, Byars, Jones, Eddins, Norrell, Boutwell, Clayton, Quarles, Smith, Fant, High, Benson, Skidmore, Sollie and Locke (Choctaw).

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing the issuance of not exceeding \$25,000,000 principal amount of general obligation bonds of the State of Alabama additionally secured by pledge of a portion of the gasoline excise tax of the state, the proceeds of which bonds shall be used only for supplying the state's share of the cost of acquiring, constructing, or improving public roads, highways, and bridges in the state in conjunction with the United States, and toward the cost of which funds have heretofore been or may hereafter be allocated to the state under the provisions of any law of the United States now in effect or hereafter enacted.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"The state is authorized to appropriate funds, and to sell and issue interest bearing state bonds, in addition to those heretofore authorized and sold, in an aggregate principal amount not exceeding \$25,000,000 for the purpose of aiding in the acquisition, construction, and improvement of public roads, highways, and bridges in the state; provided, that the proceeds derived from the sale of the bonds issued under the provisions of this amendment may be used only for supplying the state's share of the cost of acquiring, constructing, and improving public roads, highways, and bridges in the state in conjunction with the United States and toward the cost of which funds have heretofore been or may hereafter be allocated to the state under the provisions of any law of the United States now in effect or hereafter enacted. Bonds sold and issued under the provisions of this amendment may be issued at such time or times and in such denominations, numbers, and series, and shall mature at such time or times, and shall have such terms and conditions, as may be provided by law. Said bonds shall bear interest at a rate or rates not greater than three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the face value thereof. Said bonds when issued shall be direct general obligations of the state, and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another, so much as may be necessary for said purpose of the proceeds of the gasoline excise tax heretofore pledged for

payment of the public road and bridge bonds of the State of Alabama provided for in the amendment to the Constitution of Alabama known as Article XX-A, subject, however, to the prior pledges of said tax for payment of any bonds heretofore issued pursuant to law for which the said tax has heretofore been pledged."

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the 1951 Regular Session of the Legislature. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, and after which there shall be printed the word "Yes" and immediately under that word there shall be printed the word "No". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.
Passed the Senate May 22, 1951.
Passed the House June 5, 1951.

Act No. 83

S. 37—Thagard, Reneau, McCary

AN ACT

To amend Section 626 of Title 7 of the Code of Alabama of 1940, relating to alienation of the homestead.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 626 of Title 7 of the Code of Alabama of 1940 be and the same is hereby amended so as to read as follows:

"Section 626. ALIENATION OF HOMESTEAD WHEN OWNER A MARRIED MAN.—No mortgage, deed or other conveyance of the homestead by a married man shall be valid without the voluntary signature and assent of the wife, which must be shown

by her examination before an officer authorized by law to take acknowledgements of deeds, and the certificate of such officer upon, or attached to such mortgage, deed or other conveyance, which certificate must be substantially in the form of acknowledgement for Individual prescribed by Section 30 of Title 47 of this Code."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective on July 1, 1951.

Approved June 8, 1951.

Time: 1:30 P. M.

Act No. 84

S. 38—Reneau, Thagard, McCary

AN ACT

To amend Section 708 of Title 7 of the Code of Alabama of 1940, relating to waiver of homestead exemptions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 708 of Title 7 of the Code of Alabama of 1940 be and the same is hereby amended so as to read as follows:

"Section 708. WAIVER AS TO HOMESTEAD; HOW MADE.—As to the homestead, the waiver must be by a separate instrument in writing, subscribed by the party making the same and attested by one witness, and if such party is a married man, such waiver shall not be valid without the voluntary signature and assent of the wife and acknowledgement by her before an officer authorized to take acknowledgements in the form of the individual acknowledgement prescribed by this Code. If such party is a married woman, such waiver shall be executed only in the mode prescribed by Section 73 of Title 34 for the alienation of her lands."

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act after its passage and approval, shall become effective on July 1, 1951.

Approved June 8, 1951.

Time: 1:31 P. M.

Act No. 85

S. 39—Reneau, Thagard, McCary

AN ACT

To amend Section 30 of Title 47 of the Code of Alabama of 1940, relating to the form of acknowledgment of conveyances.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 30 of Title 47 of the Code of Alabama of 1940, be and the same is hereby amended so as to read as follows:

"Section 30. FORM OF ACKNOWLEDGEMENT OF CONVEYANCE. The following are substantially the forms of acknowledgement to be used in this state, on conveyance and instruments of every description, admitted to record:

ACKNOWLEDGEMENT FOR INDIVIDUAL

The State of _____)
 _____ County)

I (name and style of Officer) hereby certify that _____ whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date. Given under my hand this _____ day of _____, A. D. 19 _____.

A. B. Judge, etc. (or as the case may be)

ACKNOWLEDGEMENT FOR CORPORATION

The State of _____)
 _____ County)

I, _____, a _____ in and for said county in said state, hereby certify that _____ whose name as _____ of the _____, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the _____ day of _____, 19 _____.

 (Style of Officer)

ACKNOWLEDGEMENT FOR AN OFFICIAL, OR OTHER PERSON, IN REPRESENTATIVE CAPACITY

The State of _____)
 _____ County)

I, _____, a _____, in and for said County in said State, hereby certify that _____, whose name as _____ (here state representative capacity) is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents

of the conveyance, he, in his capacity as such _____, executed the same voluntarily on the day the same bears date.

Given under my hand this the _____ day of _____, 19 _____

(Style of Officer)

ACKNOWLEDGEMENT FOR CORPORATION, IN REPRESENTATIVE CAPACITY

The State of _____)

_____ County)

I, _____, a _____ in and for said County, in said State, hereby certify that _____ whose name as _____ of _____, a corporation as _____ of the estate of _____ (or as the case may be) is signed to the foregoing _____, and who is known to me, acknowledged before me on this day, that being informed of the contents of said _____, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as _____ as aforesaid.

Given under my hand this the _____ day of _____, 19 _____

(Style of Officer)

Section 2. Any and all laws or parts of laws in conflict herewith are expressly repealed. If any part or parts of this Act shall be declared unconstitutional it shall not affect the remaining part or parts of this Act.

Section 3: "This Act, after its passage and approval, shall become effective on the 1st day of July, 1951."

Approved June 8, 1951.

Time: 1:35 P. M.

Act No. 86

S. 240—Phillips, Pinson, Whatley, Hollis, Todd, Byars, Jones, Eddins, Norrell, Boutwell, Clayton, Quarles, Smith, Fant, High, Benson, Skidmore, Sollie and Locke (Choctaw).

AN ACT

To authorize the issuance of not exceeding \$25,000,000 principal amount of general obligation bonds of the State of Alabama additionally secured by a pledge of a portion of the gasoline excise tax of the state, the proceeds from which shall be used solely for supplying the state's share of the cost of acquiring, constructing, or improving public roads, highways, and bridges in the state in conjunction with the United States; to create a sinking fund for payment of said bonds; and to provide for the terms, specifications, execution, sale and issuance of said bonds and disposition of the proceeds thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following terms, wherever used in this act, shall have the following respective meanings: "the bonds" means the bonds authorized in this act; and "the commission" means the Bond Commission created in this act.

Section 2. There is hereby authorized to be issued not exceeding \$25,000,000 aggregate principal amount of bonds of the State of Alabama, the proceeds derived from the sale of which shall be used only for supplying the state's share of the cost of acquiring, constructing, and improving public roads, highways, and bridges within the state in conjunction with the United States and toward the cost of which funds may have heretofore been or may hereafter be allocated to the state under the provisions of any law of the United States now in effect or hereafter enacted.

Section 3. The bonds shall be direct and general obligations of the State of Alabama and the full faith and credit of the state are hereby irrevocably pledged to the prompt payment of the principal thereof and interest thereon as the said principal and interest shall respectively mature. In addition thereto, there is further hereby irrevocably pledged for payment of the principal of and interest on the bonds, pro rata and without preference of one bond over another, so much as may be necessary for said purpose of the proceeds of the gasoline excise tax heretofore levied pursuant to the amendment to the Constitution of Alabama known as Article XX-A, subject, however, to the prior pledges of the said gasoline excise tax for payment of bonds heretofore issued pursuant to law and now outstanding for which said gasoline excise tax has heretofore been pledged. To create a sinking fund for the prompt and faithful payment of the principal of and interest on the bonds, there is hereby appropriated for said purpose, out of the proceeds of the said gasoline excise tax and, to the extent the proceeds of said tax may not be sufficient, out of the general fund of the state, such amount as may be necessary to pay the said principal and interest as the same respectively mature.

Section 4. The Governor, the State Highway Director, and the Director of the Department of Finance are hereby constituted a Bond Commission with full authority to provide for the sale and issuance of the bonds. No member of the commission shall receive compensation in any form for any duty rendered by him in and about the issuance or sale of the bonds. The commission shall meet at the call of the Governor, who is hereby constituted its chairman, and it shall designate one of its members as secretary thereof. Two members of the commission shall constitute a quorum for the transaction of business and all proceedings of the commission shall be reduced to writing and recorded in a substantially bound book. Said proceedings shall be signed by

the members of the commission and certified by the secretary thereof and filed by him with the Secretary of State who shall retain the same.

Section 5. The bonds may be sold, executed and delivered at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times, may be payable at such place or places within or without the State of Alabama, may bear interest at such rate or rates not exceeding 3% per annum payable semi-annually which interest may be evidenced by interest coupons, and may contain such provisions not inconsistent herewith, all as shall be provided by the commission. The bonds shall be sold only at public sale, either on sealed bids or at public auction, after such public notice and on such conditions as may be prescribed by the commission. The commission is authorized to provide terms and conditions under which the bonds may be exchanged for like bonds of other denominations and may be converted from registered bonds into coupon bonds and again converted into registered bonds. There shall be retained in those of the bonds having maturities more than five years after their date an option to redeem all or any part thereof at the expiration of five years from their date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and conditions as may be recited in the face of the bonds. If deemed advisable by the commission there may be retained in all or any of the bonds having maturities not later than five years after their date an option to redeem all or any part thereof on any interest payment date at such price or prices and after such notice or notices and on such terms and conditions as may be recited in the face of the bonds. The bonds, when not registered, shall be negotiable instruments.

Section 6. The bonds shall be signed in the name of the State with either the manual or facsimile signature of the Governor and shall be countersigned by the State Treasurer, and the Great Seal of the State shall be affixed thereto and attested by the Secretary of State. Any coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons. In the event any official who shall sign the bonds shall cease to hold office before they are delivered and paid for, the bonds and the coupons attached thereto shall nevertheless be valid for all purposes to the same extent as though all the officials who signed the bonds had remained in office until all thereof had been delivered and paid for.

Section 7. The proceeds derived from the sale of the bonds shall be disbursed for the purposes specified in Section 2 of this

act by the State Highway Department with the approval of the Governor.

Section 8. There is hereby appropriated out of moneys in the General Fund not otherwise appropriated so much as may be necessary to pay the expenses incurred by the commission in the sale and issuance of the bonds.

Section 9. If any part or provision of this act shall be held to be invalid by a court of competent jurisdiction such holding shall not affect any other provision hereof.

Section 10. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing issuance of the bonds.

Approved June 8, 1951.
Time: 1:25 P. M.

Act No. 87

S. 135—Boutwell

AN ACT

To appropriate out of any monies in the State Treasury not otherwise appropriated the additional sum of \$60,730.27 to the Emergency Fund created pursuant to Title 55, Section 105 of the Code of Alabama 1940; and to provide for the disbursement thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the additional sum of \$60,730.27 to the Emergency Fund created pursuant to the provisions of Title 55, Section 105 of the Code of Alabama 1940.

Section 2. Out of the funds appropriated herein the sum of \$30,730.27 shall be allotted to the Building Commission created pursuant to Title 55, Article 4, Code of Alabama 1940 and used by said Commission to retire the unpaid balance due for the repairs and rehabilitation of the Governor's Mansion.

Section 3. Out of the funds appropriated herein the sum of \$30,000.00 shall be used to replace an equal amount expended from the Emergency Fund for repair on the Governor's Mansion and shall be expended for any purpose authorized by law for which no specific appropriation has been made or for which inadvertently an insufficient appropriation has been made and only upon written request to the Director of Finance by any department, board, bureau, commission, agency, office or institution of the State or any person or persons in charge thereof and his approval thereof. Upon such approval the allotment therefor shall be made in the same manner as regular allotments are made.

Section 4. This Act shall become effective immediately upon

its passage and approval by the governor or upon its otherwise becoming a law.

Approved June 18, 1951.

Time: 10:45 A. M.

Act No. 88

S. 113—Faulkner, Todd

AN ACT

To amend Sections 2, 6 and 7 of Act No. 412, approved July 7, 1945, entitled "An Act To provide for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama; to provide for, to define the duties of, and to limit the expenditures of a State Textbook Committee; to authorize the staggering of the adoption of textbooks in order that expenditures therefor may be equalized from year to year in so far as practicable; to provide for the adoption, purchase, distribution, and administration of state-owned textbooks by the State Board of Education; to provide for penalties for violation of certain terms of this act; and to repeal Sections 19 and 409 to 431, inclusive, Title 52, Code of Alabama 1940, and Sections 432 and 433, Title 52, Code of Alabama 1940 as amended by Act No. 313, approved June 28, 1943."

Be It Enacted by the Legislature of Alabama:

Section 1. That Sections 2, 6 and 7 of Act No. 412, approved July 7, 1945, entitled "An Act To provide for the adoption, selection, purchase, and distribution of textbooks to be used in the tax-supported public schools of Alabama; to provide for, to define the duties of, and to limit the expenditures of a State Textbook Committee; to authorize the staggering of the adoption of textbooks in order that expenditures therefor may be equalized from year to year in so far as practicable; to provide for the adoption, purchase, distribution, and administration of state-owned textbooks by the State Board of Education; to provide for penalties for violation of certain terms of this act; and to repeal Sections 19 and 409 to 431, inclusive, Title 52, Code of Alabama 1940, and Sections 432 and 433, Title 52, Code of Alabama 1940, as amended by Act No. 313, approved June 28, 1943" be, and the same are hereby amended to read as follows:

"Section 2. The State Textbook Committee shall be composed of fourteen members appointed by the State Board of Education upon the nomination of the State Superintendent of Education who shall submit the names of two teachers from each of the several Congressional districts in the State and the State Board of Education shall appoint one member from each such district to the Textbook Committee who shall, at the time of appointment, be employed in the public schools of such district. In addition to the nine members thus appointed, the State Board of Education, upon nomination of the State Superintendent of Education shall appoint five members from the State at large to the Textbook Committee. The term of office of the members of said

Textbook Committee shall be for a period of one year beginning July 1, 1951 and the terms of office of their successors shall begin July 1 for the term of office to which appointed; except that appointees to fill vacancies shall begin their terms of office immediately after qualifying for such office and such vacancies shall be filled in the same manner as the appointments provided herein. All members of the State Textbook Committee at the time of their appointments and at all times while serving as members of said committee shall be engaged in some phase of instructional work in State, tax-supported public education in Alabama. Not less than twelve members of the committee shall be employed as classroom teachers at least six of whom shall be employed as classroom teachers in the elementary grades and six members of the committee shall be employed as teachers in high school grades; and the other two members of the committee shall be selected without regard to classification in the school system. In order to qualify as a member of the committee, each member of the State Textbook Committee and its secretary shall make an affidavit to be filed with the State Board of Education within ten days after notice of his appointment that he will discharge faithfully all the duties imposed upon him as a member or as secretary of the said Textbook Committee; that he has no interest, directly or indirectly, in any contract that may be made under this act; that he has no interest as author, as associate author, as publisher, or as representative of author or publisher of any textbooks; that he has no pecuniary interest, directly or indirectly, in the business or profits of any persons, firms, or corporations engaged in manufacturing, publishing, or selling textbooks; that he will not accept any emolument or promise of future reward of any kind from any publisher of textbooks, his agent, or anyone interested in or intending to bias his judgment in any way in the selection of any textbook for adoption; also that he will not reveal to anyone, except to the State Board of Education, the findings, ratings, or gradings of the State Textbook Committee. The State Textbook Committee hereby created shall meet annually in Montgomery, Alabama, on the date to be determined by the State Board of Education, provided that date shall not be later than October 15th, and the recommendations of the Textbook Committee shall be made to the State Board of Education not later than December 15th. At each annual meeting the State Textbook Committee shall organize by selecting one of its members to act as chairman of the said committee. The State Superintendent of Education shall be ex-officio secretary of the State Textbook Committee. Other necessary meetings may be held on dates to be determined by the State Textbook Committee subject to the approval of the State Superintendent of Education. The State Superintendent of Education shall notify the members of said committee of each meeting by registered mail at least one week prior to the time of such meeting. The members of the State Textbook Committee shall be paid the sum

of ten dollars per day during the time they are engaged in such work, and in addition shall receive ten cents per mile for each mile travelled from their homes to the place of meeting and return, to be paid out of the Revolving Fund appropriated to the State Board of Education or from any other appropriation made for that purpose. Each member of the committee, before receiving per diem and transportation expenses, shall submit to the State Superintendent of Education a notarized statement of the number of miles travelled and the number of days engaged in such work; provided, however, that no member shall be paid for more than twenty-five (25) days in any fiscal year. When it becomes necessary to pay out any funds in accordance with the provisions of this act, the State Superintendent of Education shall make requisition upon the Comptroller, who shall draw his warrant, upon the Treasurer for the amount for which the requisition is made.

"Section 6. The State Textbook Committee shall recommend the three most meritorious and desirable books for each subject. Such recommendations may include, in addition to the grading and rating of the books, any information or expression of opinion which would aid the State Board of Education in the discharge of its duty. If there be a difference of opinion among the members of the State Textbook Committee as to the merit of a book, any member of the committee may file a report of his individual opinion as to the merit of that book. No books shall be selected as suitable and desirable by the State Textbook Committee which contains anything of a partisan character. The State Textbook Committee shall also have authority to recommend other instructional materials which in its opinion will improve the instructional program or when requested to do so by the State Board of Education.

"Section 7. (a) The State Board of Education shall select and adopt a series of textbooks and shall have the authority to designate textbooks in the several subjects taught in the tax-supported public elementary and high schools of the State and to determine the length of time any textbook is to be used in any given subject. Authority is expressly granted to the State Board of Education to stagger adoptions in such a manner as said board deems to the best interest of the pupils of the public schools subject to limitation of funds appropriated for the purpose of purchasing and supplying State-owned textbooks and/or for other instructional materials to the pupils in the public schools of the State. It shall be unlawful for any school official, superintendent, supervisor, principal, or teacher to use any textbook upon the same branches, other than those adopted, to the exclusion of the regularly adopted textbooks, except as herein provided.

"(b) As soon as practicable after the State Board of Education has received the recommendations of the State Textbook Com-

mittee, it shall notify all publishers whose textbooks have been so recommended that the said board, at a certain time and place, will negotiate with the publishers for the furnishing of such textbooks. The State Board of Education shall have full power to provide for textbooks for the public schools of the State, to adopt a multiple list of textbooks where practicable and desirable in the judgment of the Textbook Committee and State Superintendent of Education, and to contract with and/or extend present textbook contracts with the publishers for such textbooks, provided that such textbooks have been determined as suitable and desirable by the State Textbook Committee. The State Board of Education shall have full power to adopt any textbook or textbooks for such period of time as it deems to be the best interest of the patrons and pupils of the public schools. The State Board of Education shall not advise the publishers of the rating or grading as to merit, suitability, and desirability given the textbooks by the State Textbook Committee. The State Board of Education is further authorized and empowered to purchase any copyright when by so doing a more advantageous contract can be secured in behalf of the patrons of the public schools of the State and to use such funds as may be necessary for this purpose from appropriations made for the purchase of State-owned textbooks, and/or instructional materials.

“(c) The State Board of Education shall enter into contracts for furnishing of said textbooks upon such terms as said board deems to be the best interest of the patrons of the public schools. When the contract is executed the publisher shall execute a surety bond in such sum as may be designated by the State Board of Education, conditioned upon the faithful and honest performance of the contract. Said bond shall also provide for the payment of attorney’s fee in case of recovery in any suit on same. The State Board of Education shall prescribe a minimum amount which shall be recovered on such bond for each breach thereof as liquidated damages and such amount shall be written in said contract as the minimum amount which may be recovered as liquidated damages in case of each breach thereof.

“(d) Should any person, firm, or corporation fail or refuse to execute the contract and submit therewith his bond as required by law within thirty days after the awarding of the contract, the cash deposit will be deemed forfeited to the State of Alabama, and the Trassurer shall place such deposit in the Treasury to the credit of the Free Textbooks Fund. The mailing of a registered letter to the publisher, his agent, or designated representative, announcing the awarding of the contract shall be prima facie evidence that the notice was given and received. When any person, firm, or corporation shall have executed the contract and submitted his bond within the time required by law, the State Board of Education shall advise the Treasurer of the State in writing of such fact, and the Treasurer shall return to the

publisher the cash deposit made by him. The State Board of Education shall also inform the Treasurer of the names of the unsuccessful bidders, and upon the receipt of such notice, the Treasurer shall return to them the amount deposited in cash by them at the time of the submission of their bids.

“(e) The State Superintendent of Education shall preserve in the office of the State Department of Education or in some convenient place in the City of Montgomery, Alabama, one copy of each book which has been made the basis of any contract as the standard specimen of quality and excellence to be maintained in such books during the period of such contract. The State Superintendent of Education shall retain and preserve in his office the original bid or proposal and the contract and bond executed for the furnishing of said books. Books furnished under each and every contract shall at all times during the existence of the contract be equal in all respects to the specimen or sample copies furnished with the bids or proposals. The publisher shall furnish each county superintendent of education with a specimen copy of each adopted textbook included in his contract, which shall be preserved by him and which shall always be open to inspection by the public. It shall be the duty of each such superintendent to inspect all new state-owned textbooks received and to report to the State Superintendent of Education any variance from the specimen copies.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 18, 1951.

Time: 4:55 P. M.

Act No. 89

S. J. R. 17—Thagard

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House concurring, that Senate Bill Number 68 be known as the Thagard-Kendall-Summerlin-Taylor-Wesley Bill.

Approved June 18, 1951.

Time: 5:01 P. M.

Act No. 90

S. J. R. 21—Boutwell

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring, that Senate Bills 37, 38 and 39, which have passed

both Houses, each be designated and be known as the "Reneau, Thagard, McCary and Merrill Bills".

Approved June 18, 1951.

Time: 5:02 P. M.

Act No. 91

H. 391—Baker, Romine

AN ACT

To allow the sheriff of Lauderdale County, Alabama, an additional deputy sheriff to those provided by law: to fix the salary of said deputy and to make the same payable out of the general funds of Lauderdale County in monthly installments.

Be It Enacted by the Legislature of Alabama:

Section I. That the Sheriff of Lauderdale County, Alabama is hereby allowed an additional deputy sheriff to the deputies now provided by law. Which said deputy shall receive such salary as may be fixed and allowed by the County Court of Commissioners, to be paid in twelve (12) equal monthly installments out of the general funds of Lauderdale County: That said deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in Lauderdale County.

Section II. That on the first day of each month a statement of the name and the amount due said deputy sheriff shall be furnished to the Court of County Commissioners of Lauderdale County by the sheriff of said county and it shall thereupon be the duty of said Court to order warrants drawn upon the general funds of said county, payable to said deputy sheriff for the amount of one month's salary as hereinabove provided.

Section III. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its approval by the Governor.

Approved June 18, 1951.

Time: 5:03 P. M.

Act No. 92

H. 392—Dumas, Beatty, Morgan (Jefferson),
Huey, Adams (Jefferson)

AN ACT

To provide further remedies for collecting county privilege, license or excise taxes in counties having a population of not less than 400,000 inhabitants according to the last and any succeeding Federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of 400,000 inhabitants or more according to the last or any subsequent Federal census.

Section 2. BILL OR PETITION.—Any judge of probate, or other county official or employee whose duty it may be to receive or collect any county privilege license or excise tax may file in the name of the county, in the Circuit Court in Equity, a bill or petition to enjoin the operation and conduct of any business, occupation, trade or profession subject to any county privilege license or excise tax, the payment of which is delinquent in whole or in part.

Section 3. INJUNCTIVE RELIEF.—Upon the filing and presentation of such a bill or petition, it shall be the duty of the court to set a day for the hearing of said cause; and not less than ten or more than fifteen days' notice thereof shall be given the respondent, said notice to be in such form as the court may direct. After such hearing, upon reasonable cause being shown, the court shall grant a temporary injunction restraining the respondent from further operation or conduct of said business, occupation, trade, or profession, and no bond shall be required of the complainant as a condition thereto. The court shall, upon final hearing, if the proof be sufficient, grant a permanent injunction restraining the respondent as herein directed to be done by a temporary injunction. Such injunctions may be dissolved in the manner herein provided.

Section 4. ACCOUNTING AND JUDGMENT.—Said bill or petition need not allege the amount due, but may seek an accounting of the respondent for the amount of license or excise taxes due the complainant. It shall be the duty of the court to render a judgment in favor of the complainant for the amount of license or excise tax found to be due, and it may also declare and enforce any lien therefor provided by the laws of Alabama. The court may order a reference as in other cases.

Section 5. DISSOLUTION AND REINSTATEMENT OF INJUNCTION.—After judgment is rendered against the respondent as provided by the terms of this Act, an existing injunction shall not be dissolved until the judgment and court costs taxed against the respondent are satisfied and paid in full, or until the respondent shall have appealed and superseded the judgment in the manner provided by Section 793 of Title 7, Code of Alabama, 1940, and as said section may be amended. All laws governing appeals from money judgments are made applicable hereto except as they may be contrary to any provision herein. If the appeal is taken and the case reversed, the injunction existing at the time of the appeal shall automatically be reinstated without the intervention of the circuit court unless the appellate court otherwise directs.

Section 6. BOND TO DISSOLVE INJUNCTION.—When the court has granted a temporary injunction, it shall not be dissolved until respondents have executed a bond in an amount fixed by

the court with sufficient surety to be approved by the register, containing a waiver of exemptions as to personal property, conditioned to pay such judgment and lawful court costs as the court upon final hearing may render against the respondent. The bond required to be made in this section shall remain in full force and effect as security for any judgment and court costs the court may render and tax against the respondent, but if the respondent takes an appeal and gives a supersedeas bond, upon affirmation of said appeal, the dissolution bond provided by this section shall become null and void.

Section 7. BOND AS SECURITY FOR ANY JUDGMENT.—The bond prescribed in Section 6 of this Act hereof shall stand as security for any judgment and costs finally determined against the respondent, except in instances where the liability thereon is relieved by and attaches to a supersedeas bond as herein provided.

Section 8. FORFEITURE OF BOND.—In the event no supersedeas bond is given on appeal, or if no appeal is taken, and the respondent fails to pay the judgment and costs within thirty days after the rendition of judgment in the circuit court, it shall be the duty of the register within ten days of the expiration of said limit of thirty days to declare said bond forfeited and to issue execution thereon against the principal sureties. If for any reason the register fails to declare the bond forfeited within the time herein prescribed, he may do so any time thereafter and issue execution as herein directed.

Section 9. APPEALS.—The laws of Alabama governing appeals from money judgments entered by the circuit court shall govern and control appeals taken herein, except the supreme court of Alabama shall have jurisdiction thereof as in other equity suits and except that the appeal shall be perfected within thirty days from the rendition of a final decree or judgment. Any permanent injunction shall remain in full force and effect unless the respondent supersedes the judgment.

Section 10. REMEDIES PROVIDED HEREIN ARE CUMULATIVE.—The remedies provided herein shall be cumulative and shall not be construed to repeal, modify, alter, or change any other civil or criminal process or remedy provided by law for the collection of county privilege license or excise tax, but all such remedies, except criminal, may be used in a proceeding under this Act.

Section 11. PENDING SUIT.—The institution of one suit under the provisions hereof, and the pendency thereof, shall not be pleaded in abatement or as a defense to the institution of a subsequent suit hereunder for the collection of a license or taxes becoming due after the institution of such prior suit even though a bond for dissolution of the injunction be given and the respondent continues to operate.

Section 12. ENFORCEMENT OF LIEN NOT WAIVER AS TO BOND.—If the court should declare a lien in favor of the complainant and against the property of the respondent, the complainant may proceed to enforce the lien, but such enforcement shall not be a waiver of rights acquired against the respondent's bond, but shall be in addition thereto.

Section 13. EQUITABLE ATTACHMENT.—In addition to the remedies herein provided, the complainant also shall be entitled to an equitable attachment in aid of its suit hereunder to collect privilege license or excise tax due it and no ground for such attachment shall be necessary except that the respondent is due privilege license or excise tax which is delinquent in whole or in part, and no bond shall be required to be given for such equitable attachment.

Section 14. SEVERABILITY.—The provisions of this Act are severable. Should any part of the Act be declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 15. EFFECTIVE DATE.—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1951.
Time: 5:04 P. M.

Act No. 93

H. 399—Dumas, Beatty, Morgan (Jefferson),
Huey, Adams (Jefferson), Meeks

AN ACT

To provide for and authorize the dismissal in and by the Circuit Court of appeals to the Circuit Court from judgments of conviction rendered in any court subordinate or inferior to or lower than the Circuit Court, and to define and fix the effects and consequences of such dismissals and providing that this act shall apply only in counties having a population of 400,000 or more according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provision of this Act shall apply only in counties having a population of 400,000 or more according to the last or any subsequent federal census.

Section 2. When a defendant who has taken an appeal to the Circuit Court from a judgment of conviction for the violation of any law of this state, rendered in any court subordinate or inferior to, or lower than the Circuit Court, fails to appear in the Circuit Court when the case is called for trial, unless good cause is shown to the court for his absence or default, the Circuit Court in addition to entering up a judgment of forfeiture on any appeal

bond that may have been filed by him, may also dismiss his appeal. Upon such dismissal, and by the fact of such dismissal of such appeal, the judgment of the court from which the defendant took the appeal, shall be reinstated and become final, and the Clerk of the Circuit Court must, in writing, notify the court from which the appeal was taken of the judgment of the Circuit Court dismissing such appeal; provided, however, that the Circuit Court may on motion of the defendant made within thirty days from the date of the order of dismissal, set aside such dismissal and reinstate such appeal on such terms as the court may prescribe, for good cause shown by the defendant for his absence or default. When such appeal has been dismissed, the court from which the appeal was taken may issue a writ of arrest for the defendant, and alias and pluries writs of arrest, and the defendant may be arrested as an escape without any warrant or writ of arrest, and when so arrested must be punished in accordance with the original judgment of the court from which the appeal was taken. If the defendant, upon his arrest after such dismissal, discharges the judgment of the court from which the appeal was taken by the payment of a fine and court costs, the defendant shall forthwith be carried before a judge of the Circuit Court and sentenced to perform hard labor for the county for any and all unpaid court costs accruing in the Circuit Court. If the defendant upon arrest after dismissal is required by the terms of the judgment of the court from which the appeal was taken, to perform a term at imprisonment or hard labor, then, before the commencement of the performance of such term, the defendant shall be carried before a judge of the Circuit Court and sentenced to perform hard labor for the county for any and all unpaid court costs accruing in the Circuit Court, which latter term of hard labor shall become effective upon and have its beginning at the expiration of any term that the defendant must serve pursuant to the judgment of the court from which the appeal was taken.

Section 3. If any part of this Act shall be declared unconstitutional, such partial unconstitutionality shall not affect any other part of this Act that is constitutional.

Approved June 18, 1951.

Time: 5:06 P. M.

Act No. 94

H. 400—Dumas, Beatty, Meeks, Huey, Morgan
(Jefferson), Adams (Jefferson), Kaul

AN ACT

To authorize the Sheriff, or his Chief Deputy, under certain conditions in his discretion to release on his or her own recognizance any prisoner charged with a misdemeanor where the warrant of arrest is returnable to an inferior court, to apply only in counties having a popula-

tion of 400,000 or more according to the last or any succeeding federal census, and to repeal all laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Sheriff, or his Chief Deputy, in his discretion, is hereby authorized to release on his own recognizance any prisoner charged with a misdemeanor, where the warrant of arrest is returnable to an inferior court; that the authority hereby granted shall be exercised only in the absence of any judge of an inferior court from his office.

Section 2. This Act shall apply only in counties of 400,000 population or more according to the last or any succeeding federal census.

Section 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Approved June 18, 1951.

Time: 5:07 P. M.

Act No. 95

H. 403—Armstrong (Jackson), Gentle

AN ACT

To allow the Sheriff of Jackson County, Alabama, two additional deputies sheriff to the deputies now provided by law; to fix the salary of said deputies and to provide for the payment of said salaries out of the General Funds of said County in equal monthly installments; to fix the qualifications, powers and duties of said deputies; to provide for the payment of operational expenses of an automobile to be used by said deputies out of the General Fund of said County; to authorize the purchase and installation of radio transmitter-receiver equipment in said automobile; and to provide for the maintenance and repair of said radio transmitter-receiver equipment and all other radio transmitter-receiver equipment now or hereafter owned by Jackson County and used by the Sheriff of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Sheriff of Jackson County is hereby allowed two additional deputies sheriff to the deputies now provided by law, which said additional deputies shall each receive a salary of \$2400.00 per annum, to be paid in twelve equal monthly installments out of the General Funds of Jackson County, Alabama.

Section 2. That each of said deputies sheriff shall be a qualified elector of Jackson County, Alabama. That said deputies shall have the same powers, duties, and authority as deputies sheriffs now or hereafter may have under the general laws of Alabama. That said deputies shall have the additional duty to make periodic and systematic patrol of all county roads and highways in Jackson County, and, at the direction of the Sheriff of Jackson County, to provide police protection in any precinct

or community of Jackson County. Said deputies shall at all times be subject to the direction and order of the Sheriff of Jackson County, Alabama, and shall hold office at the pleasure of the Sheriff of Jackson County. The Sheriff of Jackson County is authorized to appoint said additional deputies immediately after the passage and approval of this Act and he shall certify the names of the persons selected or appointed by him to the Board of Revenue, Commissioners Court, or other like governing body, by whatever name designated.

Section 3. The Sheriff of Jackson County may provide, at his own expense, one automobile for the use of said deputies sheriff for use on county-wide patrol as provided hereunder, and the Board of Revenue, Commissioners Court, or other like governing body of said County by whatever name designated, is authorized to pay the Sheriff of Jackson County, the sum of \$600.00 per annum, to be paid in twelve equal monthly installments, for the purpose of defraying the operational and maintenance expense of said automobile.

Section 4. The Board of Revenue, Commissioners Court or other like governing body by whatever name designated is authorized to purchase and install a radio transmitter-receiver in said automobile and to pay for the maintenance and repair of said radio transmitter-receiver and pay for the maintenance and repair of all other radio transmitter-receiver equipment now or hereafter owned by Jackson County and used by the Sheriff of Jackson County.

Section 5. That if any section, clause, provision or portion of this Act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect any other section, clause, provision or portion of this Act, or the remainder of this Act.

Section 6. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 18, 1951.

Time: 5:08 P. M.

Act No. 96

H. 404—Armstrong, Gentle

AN ACT

To Amend Section One of an Act entitled "An Act to allow the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy sheriff and to make the same payable out of the General Funds of Jackson County in monthly installments.", approved June 22, 1943.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to allow

the Sheriff of Jackson County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy sheriff and to make the same payable out of the General Funds of Jackson County in monthly installments," approved June 22, 1943, be, and the same is hereby amended to read as follows: Section 1. That the Sheriff of Jackson County is hereby allowed an additional deputy to the deputies now provided by law, which said deputy shall receive a salary of Twenty Four Hundred Dollars (\$2400.00) per annum, to be paid in twelve equal monthly installments out of the General Funds of said County; that the Sheriff of Jackson County shall appoint said deputy sheriff and said deputy sheriff shall hold office at the pleasure of said Sheriff of Jackson County; that said deputy sheriff shall be eligible to perform the duties of deputy sheriff anywhere in said County of Jackson.

Section 2. That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Section 3. That this act shall become effective immediately upon its passage and approved by the Governor.

Approved June 18, 1951.

Time: 5:09 P. M.

Act No. 97

H. 410—Dumas, Beatty, Morgan (Jefferson),
Huey, Adams (Jefferson) and Meeks

AN ACT

To regulate appeals by and in behalf of Counties having a population of four hundred thousand or more, according to the last or any subsequent Federal Census.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all cases in which an appeal is now or may hereafter be allowable, any County in this State having a population of four hundred thousand or more, according to the last or any subsequent Federal Census, may take an appeal from and supersede any judgment, decree, writ, or order in any cause in which it is a party, without the necessity of executing an appeal bond, supersedeas bond, or dissolution bond.

Section 2. That in all cases in which such County desires to take an appeal to another court, to which appeals are allowable, the same may be effected by filing in the court wherein such judgment, decree, writ or order was entered a statement by any County attorney of such County to the effect that such County takes an appeal to the _____ Court, designating in the blank space the name and style of the court to which the appeal is taken; and when such statement is signed and filed by such County attorney in the court wherein such judgment, decree, writ, or

order was entered within the time allowed by law for taking an appeal in such cause, this shall have the effect of appealing the cause and superseding any such judgment, decree, writ, or order, as fully as if a good and sufficient supersedeas bond had been filed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1951.

Time: 5:10 P. M.

Act No. 98

H. 415—Dumas, Kaul, Meeks, Huey, Adams
(Jefferson), Morgan (Jefferson), Beatty

AN ACT

To regulate the nomination of Clerk of the Circuit Court in primary elections in Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That candidates in primary elections for nomination for Clerk of the Circuit Court in Jefferson County, Alabama, shall be placed upon the ballots in such primary elections only in those precincts over which the Circuit Court holding at Birmingham, Alabama, has jurisdiction; that is to say, candidates for nomination in such primary elections for Clerk of the Circuit Court of Jefferson County, Alabama, shall run and shall be placed upon the ballots used in such primaries only in those precincts which are within the jurisdiction of said Circuit Court holding at Birmingham, Alabama.

Section 2. This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law."

Approved June 18, 1951.

Time: 5:11 P. M.

Act No. 99

H. 417—Weathers

AN ACT

To amend section No. 1 of an Act approved July 22, 1947, entitled, "An Act to provide for the payment of mileage allowance to the Chief Deputy Sheriff of Randolph County, Alabama, in addition to his salary."

Be It Enacted by the Legislature of Alabama:

Section 1 of an Act to provide for the payment of a mileage allowance to the Chief Deputy Sheriff of Randolph County, Alabama, in addition to his salary, approved on the 22nd day of July, 1947, be and the same is hereby amended to read as follows:

In the event the Chief Deputy Sheriff of Randolph County furnishes his own automobile for traveling in the performance of his official duties, he shall receive from the county mileage at the rate of five cents per mile for each mile traveled; but mileage shall not be allowed in excess of seventy-five dollars for any one month. The mileage allowance shall be in addition to the annual salary of the chief deputy sheriff, which shall be fixed by the governing body of the county at not less than two thousand one hundred dollars nor more than twenty seven hundred dollars annually, payable in equal monthly installments by the county.

Section 2. That this act shall become effective on the date of its approval by the governor.

Approved June 18, 1951.

Time: 5:12 P. M.

Act No. 100

H. 422—Taylor, Wesley

AN ACT

To authorize and empower the Judge of Probate of Butler County, Alabama, to appoint a Chief Clerk; to authorize the Court of County Commissioners to fix the salary of said Chief Clerk; to provide the method of payment of said salary, and to provide for or require said Chief Clerk to enter into an official bond in the sum of Twenty Five Hundred Dollars, conditioned and payable as required by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Butler County, Alabama, is hereby authorized and empowered to appoint a Chief Clerk, to hold office at the pleasure of the Judge of Probate of said County.

Section 2. Said Chief Clerk, so appointed shall be paid a salary to be fixed by the Court of County Commissioners of Butler County, Alabama.

Section 3. The Court of County Commissioners of Butler County, Alabama, is hereby authorized and required to draw salary warrants monthly in favor of said Chief Clerk for the payment of the salary so fixed by them, which warrants shall be drawn upon and payable out of the General Funds of said County.

Section 4. Said Chief Clerk shall make bond, conditioned and payable as required by law, in the sum of Twenty Five Hundred Dollars, for the faithful performance of the duties of the office of Chief Clerk.

Section 5. Should any section, clause or provision of this Act be declared unconstitutional, the same shall not affect the remaining sections, clauses or provisions hereof.

Section 6. This act shall go into effect immediately upon its passage and approval by the Governor.

Approved June 18, 1951.

Time: 5:13 P. M.

Act No. 101

H. 266—Russell, Harrison (Shelby), Merrill

AN ACT

To amend Section 656 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to make provision for payment of the principal of and interest on \$25,000,000 principal amount of bonds of the State of Alabama which may hereafter be issued pursuant to the amendment to the Constitution of Alabama proposed by Act No. 82 adopted by the 1951 Regular Session of the Legislature of Alabama if said amendment should be ratified by the voters of said state.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 656 of Title 51 of the Code of Alabama of 1940, as heretofore amended, is hereby further amended to read as follows:

"Section 656. Same; public road and bridge fund—One-third of the proceeds of the excise tax herein imposed, when collected, shall be covered into the treasury to the credit of the public road and bridge fund. Such proceeds shall be disbursed for the following purposes and in the order hereinafter set out: (a) so much thereof as shall be necessary for such purpose shall be used to pay the principal of and interest on the public road and bridge bonds issued in accordance with the provisions of an amendment to the state constitution known as Article XX-A approved by the voters of Alabama at an election held on April 12, 1927, authorizing the issuance of bonds in the aggregate amounting to \$25,000,000, as said principal and interest shall respectively mature; (b) so much thereof thereafter remaining as may be necessary for such purpose shall be used to pay the principal of and interest on the bonds heretofore issued in accordance with the provisions of an amendment to the state constitution approved by the voters of Alabama at an election held on November 5, 1940, authorizing the issuance of bonds in the aggregate amounting to not exceeding \$900,000, as the said principal and interest shall respectively mature; (c) so much thereof thereafter remaining as shall be necessary for such purpose shall be used to pay the principal of and interest on the bonds heretofore issued by Alabama Bridge Finance Corporation for the purpose of refunding bonds of Alabama State Bridge Corporation and Alabama Bridge Authority, Inc., as said principal and interest shall respectively mature; and (d) so much thereof thereafter remaining as shall be necessary for such purpose shall be used to pay the principal of and interest on such bonds, to the extent of \$25,000,000 in principal amount, as may hereafter be issued under the authority of

the amendment to the Constitution of Alabama proposed by Act No. 82 adopted by the 1951 Regular Session of the Legislature of Alabama, as the principal of said bonds and the interest thereon shall respectively mature. Any residue of said fund, after provisions shall have been made for the primary obligations herein set out, may be used by the highway department, with the approval of the governor, in constructing public roads and bridges within the state as now or may hereafter be provided by law, and in maintaining the public roads and bridges which have been or may hereafter be constructed by the highway department; in equipping and preparing convicts for use upon the public roads and bridges of this state; for maintenance of such convicts while so at work upon such roads and bridges; for compensating the state for the use of such convicts; and for such other use upon the public roads and bridges of this state as may be authorized by the highway department with the approval of the governor. Provided, however, that the residue of such fund shall not be expended contrary to law as it now exists or may hereafter be enacted."

Section 2. This act shall become effective upon the adoption of the amendment to the Constitution of Alabama proposed by Act No. 82 adopted by the 1951 Regular Session of the Legislature of Alabama.

Approved June 18, 1951.
Time: 5:15 P. M.

Act No. 102

S. 116—Andrews

AN ACT

To permit the registration of securities held by a corporate fiduciary in the name of a nominee of such fiduciary.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever a bank or trust company is duly authorized to, and is acting as a fiduciary, and has a nominee in whose name securities, including, without limitation, bonds, stocks, mortgages, securities or other evidences of title held either in its own right or as fiduciary, may be registered, it shall be lawful to register securities in the name of such nominee, without mention of the trust or other fiduciary relationship in the instrument evidencing such securities, or on the books of the corporation issuing same, provided that,—

(a) The records of such corporate fiduciary shall at all times clearly show that such securities are held by the corporate fiduciary in the capacity of a fiduciary, and show the beneficial owners thereof, and all facts relating to its ownership, possession or holding thereof.

(b) That the instrument evidencing said security shall at all times be held by the fiduciary in its immediate and exclusive possession.

(c) That such corporate fiduciary shall not be relieved of liability for the safe custody, control and proper distribution of such security by reason of the registration of same in the name of a nominee.

Section 2. If two or more fiduciaries are acting jointly in reference to any property, it shall be lawful by agreement to register the property in the name of the nominee of any one corporate fiduciary, or in the event more than one corporate fiduciary is acting it shall be lawful to register the securities in the name of the nominee of any one of said corporate fiduciaries or by agreement to record a proportionate part of said securities in the name of one or more nominees of a corporate fiduciary.

Section 3. This Act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved June 18, 1951.

Time: 5:16 P. M.

Act No. 103

S. 117—Andrews

AN ACT

To provide for the execution of proxies by a fiduciary holding corporate stocks in a fiduciary capacity.

Be It Enacted by the Legislature of Alabama:

Section 1. Any fiduciary, including those acting as Executor, Administrator, Guardian, Agent or Trustee, owning corporate stock registered in the name of the fiduciary, as such, or in the name of another for the convenience of the fiduciary, or in the names of more than one fiduciary, whether the corporation issuing such stock is foreign or domestic, may, in addition to the voting rights now vested in such fiduciary, execute and deliver, or cause to be executed and delivered, a proxy or proxies to others for the voting of such corporate stock, and may waive notice of and give consent to any meeting of shareholders of any corporation, regular or special, or a meeting of property owners, or cause such to be done, and may authorize in writing any action which could be taken by shareholders in meeting assembled, where such consent is authorized by statute, certificate of incorporation, or by-laws, or cause such written consent to be given, but subject always to the following limitations:

(a) In granting any proxy, reasonable care must be exercised in deciding who shall act as proxy, and whether or not instruc-

tions as to the voting of said stock shall be given to such proxy.

(b) If there are two or more fiduciaries acting, the proxy shall be executed by, and voting instructions shall be issued by, agreement of all fiduciaries or a majority of them.

(c) In the event the manner or method of voting, or the purposes to be accomplished are fixed by the instrument or instruments appointing said fiduciaries the directions therein shall govern.

Section 2. This Act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved June 18, 1951.

Time: 5:17 P. M.

Act No. 104

S. 268—Wright

AN ACT

To Alter and Rearrange and Extend the Corporate Limits of the City of Sylacauga, Talladega County, Alabama

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

(A) The Northwest one-quarter of Section 31, Township 21 South, Range 4 East.

(B) The Southwest one-quarter of Section 31, Township 21 South, Range 4 East.

(C) The East one-half of the Southeast one-quarter of Section 36, Township 21 South, Range 4 East.

Section 2. That this Act shall take effect immediately upon its passage and approval of the Governor.

Approved June 18, 1951.

Time: 5:17 P. M.

Act No. 105

S. 269—Wright

AN ACT

To Alter and Rearrange and Extend the Corporate Limits of the City of Sylacauga, Talladega County, Alabama

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate limits of the City of Sylacauga,

Talladega County, Alabama, be changed and extended to include the following territory:

Beginning at the S. W. Corner of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20, Township 21, Range 4 East, thence North along the west side of said 40 acre tract to the NW corner of said 40 acres; thence, west along the south line of the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, Township 21 South, Range 4 East to the SW corner of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, Township 21 South, Range 4 East; thence North along the west side of said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 20, Township 21 South, Range 4 East, to the NW corner of said 40 acres; thence East $\frac{1}{4}$ mile along the quarter section line to the SW corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21, Township 21, South, Range 4 East; thence North along the west line of Section 21, Township 21 South, Range 4 East and Section 16, Township 21 South, Range 4 East, $\frac{1}{2}$ mile to the NW corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, Township 21 South, Range 4 East; thence east along the quarter section line $\frac{1}{4}$ mile to the NE corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, Township 21 South, Range 4 East; thence South along the $\frac{1}{4}$ section line 314 feet to the line between Richard B. Kelley, Jr. and the Sarvis Lands; thence east along the line between Richard B. Kelley, Jr. and Sarvis lands 617.0 feet to right of way of Sylacauga-Talladega Highway (U. S. 241); thence SW along the right of way of said Highway 200 (more or less) feet to the line between Richard B. Kelley, Jr. and Charles E. Ray; thence east along the line between Richard B. Kelley, Jr. and Charles E. Ray 536 (more or less) feet to the NE corner of Charles E. Ray land; thence south along the line between Charles E. Ray and Richard B. Kelley, Jr. 719.0 feet to the north line of Section 21, Township 21 South, Range 4 East; thence east along the said north line of Section 21 292.5 feet (more or less) to the NE corner of NW $\frac{1}{4}$ of Section 21, Township 21 South, Range 4 East; thence South along the east line of NW $\frac{1}{4}$ of said Section 21 $\frac{1}{2}$ mile to the SE corner of said NW $\frac{1}{4}$ of Section 21; thence west along the south line of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21, Township 21 South, Range 4 East, one-fourth mile to the SW corner of said NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 21; thence south along the east side of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21 one-fourth mile to the SE corner of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 21, Township 21 South, Range 4 East which corner is on the present City Limits Line; thence west along the $\frac{1}{2}$ section line $\frac{1}{2}$ mile to the point of beginning, containing approximately 390 acres.

Section 2. That this Act shall take effect immediately upon its passage and approval of the Governor.

Approved June 18, 1951.

Time: 5:18 P. M.

AN ACT

To create and establish the Calhoun County Court, Calhoun County, Alabama; to define its jurisdiction and powers; to invest it with the powers and jurisdiction heretofore exercised by the County Court of Calhoun County; to provide for the transfer of the cases from the dockets of the County Court of Calhoun County to the Calhoun County Court; to abolish the County Court of Calhoun County; to abolish the office of justice of the peace in precincts 15 and 20 and to divest all justices of the peace and notaries ex officio justices of the peace of criminal and quasi-criminal jurisdiction; to provide for the officers of said court, their powers, duties, tenure and compensation; to prescribe rules of procedure for said court; and to provide for the execution of the process of said court and the operation thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for the County of Calhoun, State of Alabama, a court which shall be known and called the Calhoun County Court, which said court is hereby invested with and shall have and exercise in said county jurisdiction of all misdemeanors committed in said county, concurrent in such misdemeanor cases with the jurisdiction now conferred, or which may be conferred, by law upon the Circuit Court, and said court shall have preliminary jurisdiction of all felonies committed in said county and of bastardy and peace proceedings in said county; all jurisdiction of justices of the peace and notaries ex officio justices of the peace in criminal and quasi-criminal cases heretofore granted to and conferred upon them by law, as to Calhoun County, is hereby revoked. Said court shall have and exercise original and exclusive jurisdiction in all juvenile and non-support cases arising in said county under titles 13 and 34 of the Code of Alabama of 1940, and amendments and additions thereto, and shall have all of the powers therein conferred on the probate courts. Said court shall have the right and authority to hear and determine habeas corpus proceedings in criminal cases arising in said county. In all civil cases, otherwise cognizable in justice of the peace courts, and arising in precincts 15 and 20 of said county, or when the defendants reside in said precincts, the said court shall have and exercise the exclusive authority, jurisdiction and powers which are now conferred or which may be conferred by law upon the justices of the peace, and in all other precincts of said county said court shall have concurrent jurisdiction with the respective justices of the peace. The said Calhoun County Court shall be invested with all powers, jurisdiction and authority heretofore exercised by the County Court of Calhoun County, Alabama, and said County Court of Calhoun County, Alabama, is hereby abolished. All cases therein pending shall be and hereby are transferred to said Calhoun County Court for further prosecution, and shall be proceeded upon as if originally instituted in

such court. Said court shall not be a court of record but shall have a seal of office.

Section 2. The present judge of the County Court of Calhoun County shall be the judge of the Calhoun County Court and shall hold such office until his present term expires, and until his successor is elected and qualified. His successor shall take office on the first Monday after the second Tuesday in January, 1955, and shall be elected by the qualified voters of Calhoun County, Alabama, at the general election held for state and county offices in the year 1954, and at the general election every six years thereafter. The judge of said court shall have been a resident of Calhoun County, Alabama, for at least one year next preceding his election or appointment and be a qualified elector, and shall be at least twenty-five years of age and learned in the law. All vacancies in the office of judge of said court shall be filled by appointment by the Governor of Alabama, and the person so appointed shall hold the office as provided by the Constitution of Alabama. The judge of said court shall not engage in the practice of law in or out of the courts of Alabama.

Section 3. The judge of said court shall receive a salary of six thousand dollars per annum, payable monthly out of the county treasury, upon his warrant drawn upon the county treasurer or proper custodian. The judge of said court, before entering upon the duties of said office, shall take the oath of office in form required by law to be taken by judges of the circuit courts of Alabama, which shall be recorded in the office of the Probate Judge of Calhoun County, and a commission shall be issued to him by the State as provided by law in other county offices. The said judge may be removed from office for the causes and in the manner now provided by law for the judges of the circuit court. The judge of said court may punish for contempt in cases where the judges of the circuit court can punish for contempt, by a fine not exceeding twenty dollars and by imprisonment in the county jail for not exceeding five days, one or both at the discretion of the said judge. The said judge shall have the right to issue and sign in his name any process or other paper of said court. The fees allowed by law for taking affidavits, acknowledgments and performing the rites of matrimony may be collected and retained by the said judge for his services.

In addition to his other duties, the judge of said court, while acting as the judge of the Juvenile Court, shall keep a complete docket of all juvenile cases had in said court showing their final disposition. In all non-support cases in which orders have been made for support payments to be made to the court for the use of the wife and children, or either, the said judge shall have a docket kept, showing the names of the defendants, the amounts paid by such defendants and to whom the money was paid by the court.

Section 4. The said court shall have a clerk who shall issue all process of said court, approve civil and criminal bonds, keep dockets of the proceedings of said court, both civil and criminal, and certify all appeals and certioraries, collect all monies due the court, and his duties shall be, generally, those performed by clerks of the circuit court. The said clerk shall also have the power and authority to take affidavits and issue search warrants and warrants of arrest thereon, making same returnable to the Calhoun County Court. The fees and costs allowed by law in civil cases to justices of the peace, constables, sheriffs and witnesses for services in the justices of the peace court shall be taxed and collected in each civil case. In addition thereto, there shall be taxed and collected for the use of the county in each civil case docketed a trial fee of one dollar. In all criminal cases the fees and costs authorized by law to be taxed in the county courts of the State shall be taxed and collected in each criminal case tried or plea of guilty entered in said court. There shall be taxed and collected in each criminal case docketed clerk's fees which shall be the same costs, fees and commissions allowed by law to clerks of the circuit court for like duties and services, which, together with the justice fees and trial tax in civil cases shall be paid to the county treasurer or proper custodian as other monies due the county. All costs, fees, fines and forfeitures collected for the county shall be paid monthly by the clerk to the county treasurer or other proper custodian. All fines, forfeitures and other monies collected by the clerk for the State of Alabama shall be paid monthly by the clerk to the State Treasurer or other proper custodian. The costs and fees accruing to sheriffs, constables, witnesses, justices of the peace and other monies collected shall be paid direct to those entitled to receive same. The said clerk shall give bond, before he enters upon his duties with good and sufficient sureties thereon, in the penal sum of five thousand dollars, payable to the State of Alabama and conditioned to faithfully discharge the duties of such office, and to pay all monies to the proper authorities and persons to whom it is due, and to faithfully account for all monies coming into his hands by virtue of his office, which bond shall be approved by the chairman of the county commission or like governing body, and together with his oath of office, filed in the office of the Probate Judge of Calhoun County.

Section 5. The clerk of the Calhoun County Court shall be appointed by and hold office at the pleasure of the judge of said court, and shall receive a salary of forty-two hundred dollars per annum, payable in equal monthly installments out of the county treasury, upon his warrant drawn upon the county treasurer or other proper custodian. The Calhoun County Commission or like governing body is authorized and empowered to employ such assistant clerks as they may deem necessary to properly handle the clerical work of the court at reasonable

salaries to be determined by the said county commission and paid monthly to them out of the county treasury. The clerk of the Calhoun County Court shall have the direction and supervision of said assistant clerks and may appoint one of them as his chief clerk, who shall be authorized to do in the name of the clerk of the Calhoun County Court any act the said clerk is authorized to do.

Section 6. The Sheriff and constables of Calhoun County shall be officers of said court, and shall execute all processes from said court and make their due return thereon, and all processes issued out of said court shall be addressed to any lawful officer of Calhoun County, Alabama. The sheriff or his deputy shall be required to attend on said court on trial days of criminal cases, for which he shall be paid as provided by law in county courts. In case of sickness or other absence of the constable, or whenever requested to do so by the judge, the sheriff or his deputy shall be required to serve all processes of said court, receiving the legal fees therefor for his services.

Section 7. In the event of sickness or absence of the judge of said court, the presiding judge of the Circuit Court of Calhoun County shall appoint a special judge to hold court during the absence of the regular judge, whose compensation shall be at the same rate as herein provided for the regular judge, and paid on his warrant drawn on the proper custodian.

Section 8. It shall be the duty of the deputy solicitor for Calhoun County to prosecute in criminal cases in said court, and the same solicitor's fees shall be taxed in misdemeanor cases in said court and in the same manner as is taxed for circuit solicitors in similar cases in the circuit courts of the State. All county solicitor's fees, when collected, shall be paid into the county treasury as other costs.

Section 9. It shall be the duty of the county commission or other governing body of said county to provide proper offices in the courthouse for said court, and to provide for the necessary accommodation therefor, and to provide said court with all blanks, stationery, docket books, typewriters, phones, postage and other articles and supplies which may be reasonably necessary for said court.

Section 10. The rules and regulations governing justices of the peace courts shall apply as near as possible in all civil cases and the rules and regulations governing county courts shall apply as near as possible in all criminal cases in said court, except as herein otherwise stated. All parties against whom judgments have been rendered shall have ten days within which to effect appeals to the circuit court. In all civil cases of judgment by default the judge, may at his discretion, set aside said judgment when requested to do so by the defendant within five days after

such judgment is rendered. In civil cases when an execution has been issued within twelve months after the rendition of judgment and has not been returned satisfied, an alias execution may be issued thereon at any time within six years from date of such judgment without a revival of the judgment. When a certificate of judgment has been filed in the office of the probate judge within twelve months from the date of its rendition, execution may issue thereon at any time within six years from the date of such judgment, whether execution has been previously issued or not, and such recorded judgment shall be a lien on the property of the defendant as provided by law in circuit courts. In all suits brought for minors by their next friends in which judgments are obtained and the money or property paid or delivered into court, the said money or property may be paid or delivered to the next friend bringing the suit to be for the use and benefit of the minor, and the said next friend is authorized to receipt the court record or docket for same, which shall be binding on said minor. Warrants may be issued by justices of the peace in said county returnable to said court for any indictable offense in said county, including peace and bastardy proceedings and non-support cases.

Section 11. There shall be no justices of the peace nor notary public with powers of justice of the peace elected or appointed for precincts 15 and 20 of said county, and the office of justice of the peace for said precincts is hereby abolished.

Section 12. All laws, local or general, in conflict with the provisions of this Act are, in so far as they conflict with the provisions of this Act, hereby repealed.

Section 13. Should any section, or any part thereof, of this Act be held unconstitutional, it shall in no wise effect any other section or part thereof, each section having been passed by the Legislature separately.

Section 14. This Act shall take effect immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 18, 1951.
Time: 5:19 P. M.

Act No. 107

H. 205—Wallace

AN ACT

To amend Act No. 48, H. B. 34, approved November 1, 1950 entitled "An Act to provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2(a) of Act No. 48, H. B. 34, approved November 1, 1950, entitled "An Act to provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor," is amended to read as follows:

"The term 'wages' means all remuneration FOR EMPLOYMENT AS DEFINED HEREIN, INCLUDING THE CASH VALUE OF ALL REMUNERATION PAID IN ANY MEDIUM OTHER THAN CASH, EXCEPT THAT SUCH TERM SHALL NOT INCLUDE THAT PART OF SUCH REMUNERATION which, even if it were for 'employment' within the meaning of the Federal Insurance Contributions Act, would not constitute 'wages' within the meaning of that Act."

Section 2. Section 2(d) of said Act No. 48 is amended to read as follows:

"The term 'State Agency' means the Secretary of State of the State of Alabama and the STATE SOCIAL SECURITY Advisory Board provided for here, or a majority of them, to wit: one member to be a state official or employee appointed by the Governor; two members to be county officials or employees appointed by the Governor from nominations made by the executive authority of the Association of Probate Judges and County Commissioners; and two members to be municipal officials or employees appointed by the Governor from nominations made by the executive authority of the Alabama League of Municipalities; and each member shall serve during his good behavior, to be determined by the appointing power, or during his continuance in office or employment, as the case may be."

Section 3. Section 3(b) of said Act No. 48 is amended to read as follows:

"Any instrumentality jointly created by this State and any other State or States is hereby authorized, upon the granting of like authority by such other State or States, (1) to enter into an agreement with the Federal Security Administrator whereby the benefits of the Federal Old-Age and Survivors Insurance System shall be extended to employees of such instrumentality, (2) to require its employees to pay (and for that purpose to deduct from their wages) contributions equal to the amounts which they would be required to pay under section 4(a) if they were covered by an agreement made pursuant to subsection (a) of this section, and (3) to make payments to the Secretary of the Treasury in accordance with such agreement, including payments from its own funds, and otherwise to comply with such agreements. Such agreement shall, to the extent practicable, be consistent with the terms and provisions of subsection (a) and other provisions of this Act."

Section 4. Section 6 (a) of said Act No. 48 is amended to read as follows:

"There is hereby established a special fund to be known as the Contribution Fund. Such fund shall consist of and there shall be deposited in such fund:

"(1) all contributions, interest, and penalties collected under sections 4 and 5; (2) all moneys appropriated thereto under this Act; (3) any property or securities and earnings thereof acquired through the use of moneys belonging to the fund; (4) interest earned upon any moneys in the fund, and (5) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this Act, the State Agency is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof consistent with the provisions of this Act."

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1951.
Time: 5:20 P. M.

Act No. 108

H. 369—McCoy

AN ACT

To fix the compensation of the Tax Assessor of Escambia County for assessing and of the Tax Collector of Escambia County for collecting municipal ad valorem taxes in those municipalities in Escambia County which avail themselves of the "Optional Method of Collecting Municipal Taxes", set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That in those municipalities in Escambia County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama 1940, as amended, the compensation of the Tax Assessor for assessing municipal ad valorem taxes shall be not more than two and one half per cent nor less than one per cent of the amount of such taxes; and the compensation of the Tax Collector for collecting municipal ad valorem taxes shall be not more than two and one-half per cent nor less than one per cent of the amount of such taxes.

Section 2. That the compensation herein provided for the Tax Assessor and Tax Collector of Escambia County shall be retained by the Tax Collector of Escambia County out of such municipal ad valorem taxes collected by him; and he shall pay to the Tax Assessor of Escambia County his portion of such compensation at such times as he makes payments to the municipality or municipalities of the municipal ad valorem taxes so collected.

Section 3. That the compensation herein provided for the Tax Assessor and Tax Collector of Escambia County for assessing and collecting municipal ad valorem taxes in those municipalities in Escambia County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama, 1940, as amended shall be in lieu of the compensation for such purpose authorized by Title 37, Section 732, Code of Alabama 1940, as amended, and shall be the entire compensation which they shall receive for the same.

Section 5. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective on October 1, 1951.

Approved June 18, 1951.

Time: 5:21 P. M.

Act No. 109

H. 379—Lee, DeSear

AN ACT

To impose extra, new and additional duties upon each member of the Board of County Commissioners of Perry County, Alabama and to provide additional compensation for the performance of such duties, and the method of payment of such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other duties now imposed upon them by law, the following extra, new and additional duties are hereby imposed upon the members of the Board of County Commissioners of Perry County:

(2) The Board shall hold regular meetings during the second and fourth weeks in each month of the year, on a day to be determined from time to time, by the Board, and at such other times as are now provided for by law.

(b) Each member of said Board shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the Board from time to time, as may be necessary to keep the Board in-

formed as to the condition of the public roads and bridges in his district.

Section 2. Each member of said Board shall be entitled to receive the sum of One Hundred Dollars a month for the performance of the duties imposed upon him by this Act, which said compensation shall be in lieu of all other compensation and mileage heretofore provided for by law, and shall be payable in the same manner and from the same funds as is now provided for by law.

Section 3. This Act shall become effective on the first day of the first month, next after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1951.

Time: 5:22 P. M.

Act No. 110

H. 368—Givhan, Shelton,
Morgan (Tuscaloosa)

AN ACT

For the relief of Vaughan Memorial Hospital of Selma, Alabama:

WHEREAS, Walter Dewey Martin was, on April 12, 1950, an employee of the Alabama State Highway Department, and while performing his duties as such employee and in line therewith was seriously injured; and

WHEREAS, the said Walter Dewey Martin was admitted to the Vaughan Memorial Hospital at Selma, Alabama, on said date, and there remained under treatment until June 24, 1950; and

WHEREAS, the charges for his treatment by the said Hospital totalled \$1,474.50; and

WHEREAS, the maximum insurance coverage on said Walter Dewey Martin which can be applied to the payment of said expenses is \$500.00, thereby leaving a balance of \$974.50 which still remains unpaid and due to the said Vaughan Memorial Hospital:

NOW, THEREFORE,

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$974.50 is hereby appropriated out of the Public Road and Bridge Fund to the Vaughan Memorial Hospital of Selma, Alabama, in payment of the balance of the bill for services rendered Walter Dewey Martin in treatment of injuries received by the said Walter Dewey Martin on April 12, 1950 in the course of his employment by the Alabama State Highway Department.

Section 2. The State Comptroller is directed to draw his warrant on the State Treasurer in favor of the said Vaughan Memorial Hospital for the said amount of \$974.50.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 18, 1951.

Time: 5:23 P. M.

Act No. 111

H. 373—Kaul, Dumas, Huey, Meeks, Morgan
(Jefferson), Beatty, Adams (Jefferson)

AN ACT

To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cases where there has heretofore been an attempt to organize the inhabitants of any territory as a municipal corporation under the provisions of Article 1 of Chapter 2 of Title 37 of the Code of Alabama of 1940, and the Judge of Probate of the county in which such territory is situated has made an order that the inhabitants of such territory are incorporated as a town or city, as the case may be, pursuant to Section 13 of Title 37 of said Code, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the incorporation of any municipality so attempted to be organized, and with respect to which such order has been made, shall be and is hereby validated ab initio in accordance with the description of the territory attempted to be incorporated as the said description is contained in such order, or, if the description of the territory attempted to be incorporated is not contained in such order, in accordance with the description of said territory contained in the petition of the electors filed with said Judge of Probate, notwithstanding any failure to comply with the requirements respecting the signatures to or contents of the petition for incorporation, any irregularities as to publication or posting, or any other failure to comply with the procedures set forth in the said article or otherwise required by law; provided, that this Act shall not apply to the incorporation of any municipality held invalid by a court of competent jurisdiction by judgment entered prior to the effective date of this Act, or to the incorporation of any municipality the validity of which is an issue in any pending suit commenced prior to the effective date of this Act.

Approved June 18, 1951.

Time: 5:25 P. M.

Act No. 112

H. 380—Miller, Hawkins (Etowah)

AN ACT

Relating to all cities in the State of Alabama having a population of not less than 47,000 people nor more than 100,000 people, according to the preliminary count of April 1, 1950, of the 1950 Federal Census or any succeeding regular decennial Federal Census; providing for the name, number and designation of members of the governing body of all such cities; providing for the selection and employment of employees in all such cities and prescribing the authority of the governing body of such cities with respect to said employees; providing for distribution of the powers and duties of and among the members of the governing body of each such city, and providing for their compensation for duties herein imposed; providing for the time when the provisions of this act shall become effective; and repealing all laws or parts of laws, general or special, in conflict with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in and to all cities in the State of Alabama having a population of not less than 47,000 people nor more than 100,000 people, according to the preliminary count of April 1, 1950, of the 1950 Federal Census or any succeeding regular decennial Federal Census.

Section 2. The governing body of each and every such city shall be a Board of Commissioners consisting of three members designated as follows: Chairman, or Mayor; Associate Commissioner Number One; and Associate Commissioner Number Two.

Section 3. Each officer and employee of each such city shall be selected and employed by the said Board of Commissioners, shall be under its direction, and receive such salaries, wages or compensation as may be fixed by said Board of Commissioners. The Board of Commissioners shall prescribe and may at any time change the powers, duties and titles of all such officers and employees of said city, all of whom shall hold office and be removable at the pleasure of the Board of Commissioners. The authority herein given is subject to the provisions of any Civil Service or merit system law applicable to said city.

Section 4. The powers and duties of the Board of Commissioners of each such city shall be distributed into and among three divisions as follows: Division of General Administration and Finance; Division of Public Works; and Public Safety. The Mayor, or Chairman of the Board of Commissioners, shall be the general executive officer of the city and shall be charged with the general supervision and direction of its affairs; and shall have direct supervision over the Division of General Administration and Finance. The Division of General Administration and Finance shall include those functions and departments of the city having to do with the collection of taxes, licenses and improvement assessments; the expenditures of the city, including the purchase of equipment and supplies; accounts and accounting;

the budget and appropriations; the administration of the legal affairs of the city; the management of its sinking funds; supervision of all employees or departments of the city required by law or ordinance to inspect, examine or regulate the construction, maintenance and repair of buildings and plumbing, electrical, or other work performed in connection therewith; and the management of parks, public buildings, public lands, cemeteries and airports. In addition to the foregoing duties the Mayor, or Chairman of the Board of Commissioners shall be ex officio member of the Water Works Board of such city; shall advise with said Water Works Board and make recommendations to it as appears to him to be in the public interest. Associate Commissioner Number One shall have direct supervision over the Division of Public Works. The Division of Public Works shall include those functions and departments of the city having to do with public improvements in such city, including the construction, improvement and maintenance of streets, sidewalks, sewers, drainage systems, sanitation, city shops and utilities. Associate Commissioner Number Two shall have direct supervision over the Division of Public Safety. The Division of Public Safety shall include the fire and police departments. Associate Commissioner Number One and Associate Commissioner Number Two shall devote full time to the duties of their respective offices, shall attend each regular or special meeting of the Board of Commissioners and shall keep the Board of Commissioners advised concerning their respective duties.

Section 5. Any function or department of the city not herein specifically assigned to one of the above divisions shall be the responsibility of the Board of Commissioners as a whole. Any function, policy or action performed, promulgated or taken by any member of the Board of Commissioners in connection with the division herein assigned to him may be overruled, altered or amended by majority vote of the Board of Commissioners.

Section 6. For the performance by him of the duties herein above imposed upon each member of the Board of Commissioners, including the additional duties herein assigned to him, the Mayor, or Chairman of the Board of Commissioners, shall receive a salary in the sum of Eight Thousand Dollars per annum. Associate Commissioner Number One and Associate Commissioner Number Two shall each receive a salary in the sum of Six Thousand Dollars per annum, each such salary payable out of the city treasury in equal monthly installments at the end of each calendar month. The salaries herein designated shall constitute all the compensation to which the members of the Board of Commissioners are entitled; shall be in lieu of all other salaries or compensation heretofore provided by law to be paid by such city, or any agency thereof, and no department of such city, or any agency thereof, shall pay any additional salary or compensation except as herein provided.

Section 7. All laws or parts of law in conflict herewith are hereby expressly repealed.

Section 8. This act shall become effective upon its passage or approval by the Governor, or upon its otherwise becoming a law.

Approved June 19, 1951.

Time: 2:47 P. M.

Act No. 113

H. J. R. 48—Denton, White (Covington),
Brassell

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that we hereby extend to Miss Helen Keller an invitation to address a joint session of the House and Senate on the date to be selected by her.

BE IT FURTHER RESOLVED that the Clerk of the House be instructed to send a copy of this Resolution to Miss Keller.

Approved June 19, 1951.

Time: 2:50 P. M.

Act No. 114

H. 418—Garrett

AN ACT

Relating to Monroe County: To amend Act No. 429, S. 383, approved September 25, 1919 (Local Acts, 1919, p. 204), entitled "An Act To provide for the election of a County Solicitor for Monroe County, to define his duties and fix his compensation."

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 429, S. 383, approved September 25, 1919 (Local Acts, 1919, p. 204), entitled "An Act To provide for the election of a County Solicitor for Monroe County, to define his duties and fix his compensation," is hereby amended to read as follows:

"That at the general election to be held in 1920 and every four years thereafter, the qualified electors of Monroe County shall elect a County Solicitor, whose term of office shall begin the day after the election and shall be for four years and until his successor is elected and qualified. Said official shall be a qualified elector of Monroe County and shall be learned in the law. Until said election said office shall be filled and held by the present Deputy Solicitor, the appointee of the Solicitor of the first judicial circuit, and in case of a vacancy occurring at any time, the same shall be filled by appointment by the Judge of Probate of Monroe

County, Alabama, with the consent and approval of at least two members of the County Commission of said County, said appointee to hold office until his successor is elected and qualified as herein provided."

Approved June 19, 1951.

Time: 4:28 P. M.

Act No. 115

S. 304—Reneau

AN ACT

To Alter or Re-arrange the Boundary lines of the City of Tallassee-Elmore and Tallapoosa Counties, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Elmore and Tallapoosa Counties, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the bounary lines of the City of Tallassee, Elmore and Tallapoosa Counties, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said City, in addition to the territory included within the present corporate limits, the territory described as follows:

The following described land in Elmore County, Alabama;

The following lands in Section 13, Township 18 North, Range 21 East;

South half of northeast quarter; northwest quarter of southeast quarter; southeast quarter of southeast quarter;

The following lands in Section 24, Township 18 North, Range 21 East;

The northeast quarter of the northeast quarter;

The following lands in Section 18, Township 18 North, Range 22 East;

The northeast quarter west of Elmore-Tallapoosa County line; the north half of the southeast quarter west of Elmore-Tallapoosa County line; that portion of the southeast quarter of southeast quarter lying west of Elmore and Tallapoosa County line; the northwest quarter; the northeast quarter of southwest quarter.

The following lands in Section 19, Township 18 North, Range 22 East;

That portion of southeast quarter lying west of the east right-of-way line of Mill Street Extension and the Tallassee-Rock Springs Road; all that part of the west half of the northwest quarter of said section lying west of the present city limits.

The following described lands located in Tallapoosa County, Alabama;

All that part of the east half of southeast quarter of Section 18, Township 18 North, Range 22 East lying east of Elmore-Tallapoosa County line and south of a line running due west to the county line from the intersection of an un-named branch with the Tallapoosa River which branch is the present corporate limits of the City of Tallassee.

The following lands in Section 17, Township 18 North, Range 22 East:

That portion of the northeast quarter of southeast quarter lying south of a line described as follows: Beginning at a point 507 feet south of the center of Section 17, located on the north-south center line; thence 858 feet west along a line parallel with the east-west center line of said section to an un-named branch; thence northwesterly along said branch to the Tallapoosa River; that part of southwest quarter of the southeast quarter west of Stone Creek.

The following lands in Section 20, Township 18 North, Range 22 East;

That part of northwest quarter of northeast quarter west of Stone Creek; the southeast quarter of northwest quarter; the northeast quarter of southwest quarter; south half of southwest quarter.

The following lands in Section 19, Township 18 North, Range 22 East:

That part of the southeast quarter lying east of the western right-of-way line of Lower Tuskegee Road.

Section 2. That the boundary lines of the City of Tallassee, Elmore and Tallapoosa Counties, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain additional territory described in Section 1 hereof located in Elmore and Tallapoosa Counties, Alabama; all of which territory is more particularly described as being all of the territory lying within the Counties of Elmore and Tallapoosa, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Beginning at the northeast corner of Section 13, Township 18 North, Range 21 East, Elmore County, Alabama, thence south along the section line to the northeast corner of the southeast quarter of the northeast quarter of said Section 13; thence west along the north quarter-quarter line of Section 13 to the northwest corner of the southwest quarter of the northeast quarter of said section, thence south along the north-south center line

of Section 13 to the southwest corner of the northwest quarter of the southeast quarter of Section 13, thence east along the south quarter-quarter line of Section 13 to the northeast corner of the southwest quarter of the southeast quarter Section 13, thence south along the east quarter-quarter line of Section 13 to the southeast corner of southwest quarter of the southeast quarter Section 13, thence south along the east quarter-quarter line of Section 24, Township 18 North, Range 21 East to the southwest corner of the northeast quarter of the northeast quarter Section 24; thence east along the north quarter-quarter line of said Section 24 to the range line between Range 21 East and Range 22 East, thence south along said range line to the southwest corner of Section 19, Township 18 North, Range 22 East, thence east along the south line of said Section 19 to its intersection with the eastern right-of-way line of Tallassee-Rock Springs Road, thence northerly along said eastern right-of-way line of Tallassee-Rock Springs Road to its intersection with the Extension of Mill Street, thence northerly along the eastern-right-of-way line of Mill Street extension to its intersection with the east-west center line of said Section 19, thence east along said east-west center line of said Section 19, thence east along said east-west center line 890.3 feet to a concrete marker, thence north 7 degrees 30 minutes east 777.3 feet to a concrete marker, thence north 23 degrees 15 minutes east 232.0 feet to a concrete marker, thence north 4 degrees 48 minutes east 402.4 feet to a point on the northeast side of River Road, thence along the northeastern and eastern right-of-way line of the River Road to a concrete monument on the north side of Barnett Street 24 feet from the center line of said Barnett Street, located approximately on an extension of the eastern right-of-way line of River Road, thence north 18 degrees 40 minutes east 537.0 feet to a concrete monument, thence south 76 degrees 28 minutes east 126.5 feet; thence south 88 degrees 23 minutes east 133.0 feet; thence south 71 degrees 29 minutes east 1410.4 feet; thence south 73 degrees 21 minutes east 261.7 feet; thence south 8 degrees 55 minutes west 266.7 feet to the permanent monument on the east side of the Tallapoosa River in the northeast quarter of the northeast quarter Section 19, Township 18 North, Range 22 East, Tallapoosa County, Alabama, thence south 34 degrees 30 minutes west 410.9 feet to a concrete monument, thence south 10 degrees 15 minutes east 200.0 feet to a concrete monument, thence south 2 degrees 46 minutes east 238.5 feet to a concrete monument, thence south 36 degrees 07 minutes east 213.9 feet to a concrete monument on the extension of the west curb line of that part of Central Avenue lying east of Tallassee Mills Plants Numbers 2 and 3, said point being approximately the northwest corner of the intersection of Central Avenue and River Road in said Section 19, Tallapoosa County, Alabama, thence southerly along said west curb line (located 13 feet from the center line of Central Avenue) to

the south side of the bridge spanning Stone Creek, thence southerly along the western right-of-way line of the Lower Tuskegee Road (an extension of Central Avenue) to its intersection with the south line of said Section 19, Thence east along said south line to the southeast corner of Section 20, Township 18 North, Range 22 East, thence along the south line of said Section 20 to the southeast corner of the southwest quarter Section 20 to the southeast corner of the southwest quarter Section 20, thence north along the north-south center line of said Section 20 to the southwest corner of northwest quarter of the northeast quarter of said Section 20, thence east along the north quarter-quarter line Section 20 768.0 feet to Stone Creek, thence northerly along said Stone Creek to a concrete monument 507 feet south of the east-west center line of Section 17 on the west bank of said Stone Creek, thence west along a line parallel with the east-west center line of said Section 17 for a distance of 2108 feet to a concrete monument located on an un-named branch 507 feet south of the east-west center line of said Section 17, thence northwesterly along said branch to its intersection with the Tallapoosa River, thence due west to the Elmore-Tallapoosa County line, thence northerly along said county line to its intersection with the north line of Section 18, Township 18 North, Range 22 East, thence west along the north line of said Section 18 to the northwest corner of Section 13, Township 18 North, Range 21 East, Elmore County, Alabama, the point of beginning.

Section 3. That the boundaries set out in Section 2 of this Act be, and the same are hereby, established as the corporate limits of said City of Tallassee, Elmore and Tallapoosa Counties, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute the City of Tallassee, Elmore and Tallapoosa Counties, Alabama.

Section 4. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 5. That this Act shall go into effect immediately upon its approval by the Governor.

Approved June 20, 1951.

Time: 4:50 P. M.

Act No. 116

H. 63—Gentle, White (Cullman),
Armstrong, Simpson

AN ACT

To prohibit the obtaining of money, property, or thing of value, or the payment of any obligation, by the means of making, uttering, or delivering a worthless check, draft, or order for the payment of money, fixing the punishment for violations of this Act, prescribing a rule of evidence for prosecutions hereunder, and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who shall obtain any money, merchandise, property, or thing of value, though no express representation is made in reference thereto, or who, in payment of any obligation, whereby additional credit is obtained, shall make, draw, utter, or deliver any check, draft, or order for the payment of money, upon any bank, depository, person, firm or corporation, knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has not sufficient funds in, or credit with such bank, depository, person, firm or corporation for the payment in full of such check, draft, or order, upon its due presentation, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand dollars, to be paid in money only, and may also be sentenced to hard labor for the county for not longer than six months; and in addition thereto, the court, justice, or jury trying the issue, unless the property has been returned or the value thereof paid to the owner, must assess the value of each article, and such assessed value shall be made an item of costs in the case, and shall be paid in like manner as other costs taxed against the defendant, and the clerk of the court shall issue a certificate to the owner of the property for the value of such property as assessed by the court or jury—Provided, That the amount of such assessed value must not be included in any bill of costs paid by the state, or for which the defendant is sentenced to hard labor.

Section 2. In any prosecution under Section 1 of this Act as against the maker or drawer of a check, draft, or order for the payment of money, the making, drawing, uttering, or delivering of a check, draft, or order, payment of which is refused by the drawee because of lack of funds or credit, shall be prima facie evidence of knowledge of insufficient funds in or credit with such bank or other depository; and where such check, draft, or order has been protested, the notice of protest thereof shall be admissible as proof of such presentation, nonpayment, and protest and shall be presumptive evidence that there was a lack of funds in or credit with such bank or other depository. The word "credit" as herein used shall be construed to mean an arrangement or understanding with the bank, depository, person, firm or corporation for the payment of such check, draft, or order. Upon the trial of any person charged with violating the provisions of this Act the defendant shall be a competent witness to testify to his circumstances or intent when he drew the check, draft, or order.

Section 3. Sections 232, 233, and 234 of Title 14, Code of Alabama (1940) and all other laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 20, 1951.

Time: 4:51 P. M.

Act No. 117

S. 323—Richardson

AN ACT

To amend Act No. 147, H. 472, approved July 17, 1947, entitled "An Act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 147, H. 472, approved July 17, 1947, entitled "An Act to provide for the appointment of a deputy clerk of the Circuit Clerk of Lawrence County and to prescribe the duties and fix the compensation of such deputy" (Local Acts, 1947, p. 86) is amended to read as follows:

"Section 1. That the clerk of the Circuit Court of Lawrence County, Alabama be and he is hereby authorized to appoint a deputy clerk for said court and said deputy clerk shall hold office at the pleasure of said Circuit Clerk and shall receive a salary of one hundred fifty dollars (\$150.00) per month, to be paid out of the general fund of Lawrence County, Alabama. Said deputy clerk shall possess all of the powers and authority both ministerial and judicial now or hereafter possessed by said Circuit Clerk, and shall also be deputy register at such times as the Clerk of the Circuit Court of Lawrence County, Alabama, is authorized to perform the duties of the register of said court."

Approved June 20, 1951.

Time: 4:55 P. M.

Act No. 118

S. 327—Hollis

AN ACT

To authorize and empower the Tax Assessor of Lamar County, Alabama, to appoint a Clerk; to authorize and empower the Tax Collector of Lamar County, Alabama to appoint a Clerk; to fix the salary of both of said Clerks, and to provide for the method of payment of salary of each of said Clerks.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor of Lamar County, Alabama, is

hereby authorized and empowered to appoint a Clerk to hold office at the pleasure of the Tax Assessor of said County, but to hold office not to exceed six months out of each calendar year.

Section 2. The said Clerk, so appointed by the Tax Assessor shall be paid a salary of \$100.00 per month, the same to be paid for not more than six months out of any one calendar year.

Section 3. The Tax Collector of Lamar County, Alabama, is hereby authorized and empowered to appoint a Clerk to hold office at the pleasure of the Tax Collector of said County, but to hold office not to exceed four months out of each calendar year.

Section 4. The said Clerk, so appointed by the Tax Collector shall be paid a salary of \$100.00 per month, the same to be paid for not more than four months out of any calendar year.

Section 5. The Court of County Commissioners of Lamar County, Alabama, is hereby authorized and required to draw salary warrants monthly in favor of both of said Clerks for the payment of the salaries herein fixed, which warrants shall be drawn upon and paid out of the General Fund of said County. Warrants for the payment of the salary of the Clerk appointed by the Tax Assessor shall not be drawn to cover a period of more than six months out of any one calendar year. Warrants for the payment of the salary of the Clerk appointed by the Tax Collector shall not be drawn to cover a period of more than four months out of any one calendar year.

Section 6. Should any clause, section or provision of this act be declared unconstitutional, the same shall not affect the remaining clauses, sections or provisions hereof.

Section 7. This Act shall go into effect immediately upon passage and approval by the Governor.

Approved June 20, 1951.

Time: 5:00 P. M.

Act No. 119

H. 136—Eslick

AN ACT

To propose an amendment to the Constitution of Alabama relative to regulating the fees, commissions, allowances and salaries of certain officers of Madison County; and ordering an election upon the proposed amendment to be held on the first Tuesday following the expiration of three months after the final adjournment of the present session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitu-

tion when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendment

"The Legislature may, without regard to Sections 68, 96, 104 (24) or 281 of this Constitution, from time to time, by general or local laws, fix, alter and regulate the fees, commissions, allowances and salaries of, and the method of compensating the Probate Judge of Madison County and the Sheriff of Madison County and his deputies, including the chief deputy."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.
Passed House May 22, 1951.
Passed Senate June 19, 1951.

Act No. 120

S. 272—Faulkner

AN ACT

To make an appropriation for the purpose of establishing a forest tree seedling nursery and the improvement of the existing tree nurseries under the management of the Division of Forestry, Department of Conservation.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of One Hundred Thousand and no/100 (\$100,000.00) Dollars is hereby appropriated from any money in the State Treasury not otherwise appropriated to be used for the establishing of a suitable forest tree seedling nursery and the improvement of the now existing nurseries. The funds hereby appropriated shall be paid out by the treasury of the State of Alabama upon the requisition or order of the Director of Conservation.

Section 2. Said nursery as provided for in Section 1 of this Act shall be constructed and established at a place and in a manner deemed most advisable by the Director of Conservation.

Section 3. Any unexpended balance of this appropriation, upon completion of said nursery and improvements to the existing nurseries, shall revert to the general fund of the State treasury.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 22, 1951.

Time: 3:15 P. M.

Act No. 121

H. 237—Russell, Harrison (Shelby),
White (Covington), Mer-
rill, Roberts.

AN ACT

To amend Section 753 of Title 51 of the Code of Alabama of 1940 which relates to the rate of sales tax.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 753 of Title 51 of the Code of Alabama of 1940 be, and the same is hereby amended to read as follows:

"Section 753. Tax levied on gross receipts.—There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm or corporation engaged, or continuing within this State, in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks), an amount equal to three percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within this State, in the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices,

theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within this State, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, a county, or a municipal institution or association or a state, county, or city school, or other institution, association of school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the State of Alabama, an amount equal to three per cent of the gross receipts of any such business.

(c) Upon every person, firm or corporation engaged or continuing within this State in the business of selling any automotive vehicle or truck trailer and semi-trailer, an amount equal to one percent of the gross proceeds of the sale of said automotive vehicle, or truck trailer and semi-trailer."

(d) Upon every person, firm, or corporation engaged, or continuing within this state, in the business of selling any used automotive vehicle or truck trailer and semi-trailer, where such vehicles are bought for the purpose of resale, an amount equal to one per cent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer; provided, however, this subsection shall not apply to the sale of any used automotive vehicle or truck trailer or semi-trailer where it was acquired as part of the consideration for the sale, trade, or exchange, in this state of any new or used motor vehicle, truck trailer or semi-trailer.

Section 2. That this Act shall become effective October 1, 1951.

Approved June 22, 1951.

Time: 3:00 P. M.

Act No. 122

S. 126—Todd

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Franklin County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Franklin County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other

incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Franklin County, or any one or more of them, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Franklin County

or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Franklin County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Franklin County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives herein above set forth."

Section 2. An election upon the proposed amendment is ordered to be held at the next General Election in November 1952. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940). At the said election the qualified electors shall vote on said pro-

posed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word "Yes" and immediately under that word there shall be printed the word "No". Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the Senate May 22, 1951.

Passed the House June 22, 1951.

Act No. 123

S. 16—High, Clayton, Foster and Eddins

AN ACT

To amend Section 606 of Title 2 of the Code of Alabama of 1940, relating to the sale of milk and cream in bottles and other containers.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 606 of Title 2 of the Code of Alabama of 1940 be and the same is hereby amended to read as follows: "Section 606.—Bottles for milk and cream.—Bottles or other containers used for the sale of milk or cream shall be of the capacity of one gallon, one-half gallon, one quart, one pint, one-half pint, and one gill. Each bottle or other container used for the sale of milk or cream shall be clearly and permanently marked with its capacity, and with the word "sealed". For purposes of identification such bottles and other containers shall also have clearly and permanently marked thereon the name, initials, or trade mark of the manufacturer and the manufacturer's mold designation which identifies the pattern or design of the bottles. The capacity designation and the word "sealed" shall be clearly and permanently marked on the side of the bottle or container. A bond of one thousand dollars (\$1,000.00) with surety to be approved by the Commissioner, together with a complete description of the bottle or container shall be furnished the Commissioner by the manufacturer, conditioned upon their conformance

with the requirements of this section and such regulations as may be promulgated by the State Board of Agriculture and Industries for the purposes of this Section. A record of the bonds furnished and identification shall be kept in the office of the Commissioner."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 26, 1951.

Time: 10:03 A. M.

Act No. 124

S. 36—Reneau and Thagard

AN ACT

To amend Section 388 of Title 14 of the Code of Alabama (1940) which relates to the duties of the State Toxicologist.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 388 of Title 14 of the Code of Alabama 1940 is hereby amended to read:

"The duties of the state toxicologist shall be to make such investigations of deaths and crimes as are ordered by the governor, the attorney-general, any circuit judge, or any circuit solicitor in the State of Alabama; and the state toxicologist shall cooperate with the coroners, sheriffs and other police officers in Alabama in their investigations of crimes and deaths from unnatural causes; and the state toxicologist shall within his discretion visit the scene of any crime in the state for the purpose of securing evidence for the state. The state toxicologist shall furnish a certified copy of his report of any investigation that he conducts to the person or persons who ordered the investigation conducted. The state toxicologist shall keep the original reports of all investigations that he conducts in his office. Such reports shall be public records and shall be open to public inspection at all reasonable times and any person desiring a copy of a report shall be furnished the same upon payment of the fee now prescribed by law. It shall be the further duty of the state toxicologist to cooperate with the commissioner of agriculture and industries and the state veterinarian in their investigations of deaths of domestic animals in cases of suspected criminal poisoning of such animals. The state toxicologist shall perform such other duties as are prescribed by the governor or the attorney-general of Alabama. The state toxicologist and his designated assistants shall exercise the same police authority as any deputy sheriff or highway patrolman in the State of Alabama."

Approved June 26, 1951.

Time: 9:50 A. M.

Act No. 125

S. 49—Foster, High and Thagard

AN ACT

To provide that any male person who, without legal cause or good excuse, in the nighttime goes upon the premises of another and stares, gazes or peeps into any room, apartment or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of a misdemeanor and to provide a penalty therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Any male person who, without legal cause or good excuse, in the nighttime goes upon the premises of another and stares, gazes or peeps into any room, apartment or other place of abode, not his own or under his control, which is occupied by a female person or female persons, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500.00 and may also be sentenced to hard labor for the county for not more than six months.

Approved June 26, 1951.

Time: 9:55 A. M.

Act No. 126

S. 61—Reneau

AN ACT

To repeal Section 7 (a) and (b) of Act No. 558, S. 274, approved July 9, 1943, entitled "An Act To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment thereof."

Be It Enacted by the Legislature of Alabama:

Section 7 (a) and (b) of Act No. 558, S. 274, approved July 9, 1943, entitled "An Act To provide that any person who leaves the scene of a motor vehicle accident resulting in injury or death to any person shall stop and render such aid to such injured person as may be necessary; to provide for the reporting of accidents by drivers of any motor vehicle upon the highways of this state, and to provide that the failure to stop after an accident or to report such accident shall be a misdemeanor, and to fix the punishment thereof" is hereby repealed.

Approved June 26, 1951.

Time: 10:09 A. M.

Act No. 127

S. 131—Andrews, Reneau and Skidmore

AN ACT

To amend Title 46, Section 29, of the Code of Alabama, 1940, which relates to the Alabama State Bar.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 46, Section 29 of the Code of Alabama of 1940 be, and the same is hereby amended to read as follows:

“Section 29. Admission fee paid by applicants.—Applicants for admission to the bar not required by law to take an examination shall pay a fee of twenty-five dollars (\$25.00); applicants for admission who are bona fide residents of the State of Alabama who are required to be examined by the Board of Bar Examiners shall pay a fee of twenty-five dollars (\$25.00); and applicants for admission who are not bona fide residents of the State of Alabama who are required to be examined by the Board of Bar Examiners shall pay a fee of Seventy-five dollars (\$75.00); and said fees shall become a part of the separate fund provided for in the succeeding section. Such fees shall be paid to the treasurer and the treasurer's receipt therefor shall be filed with the application.

Section 2. That this Act shall become effective October 1, 1951.

Approved June 26, 1951.

Time: 9:45 A. M.

Act No. 128

S. 132—Andrews, Reneau, Skidmore

AN ACT

To amend Section 24 of Title 46 of the Code of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 24 of Title 46 of the Code of Alabama of 1940 be and is amended so as to read as follows:

“Section 24. (6224) 6239) Annual Meeting of the State Bar.—There shall be an annual meeting of the lawyers of Alabama, open to all members of the State Bar in good standing, to be held at such place and time as the Board of Commissioners shall designate. At such annual meeting a president and a first vice-president of the State Bar shall be elected by a majority vote, by ballot, by members of the State Bar present and voting. The election must be had only upon nominations made by members of the State Bar from the floor in said annual session of the State Bar. The members so elected president and first vice-president, respectively, shall serve ex officio as president and first vice-president, respectively, of the Board of Commissioners, and

shall discharge the duties imposed in this chapter on such president and first vice-president, respectively; they shall be reimbursed for their expenses as are elected members of the Board, and may attend at all meetings of the Board, including executive sessions thereof; but shall not vote as members of the Board, unless they are members by election thereto under the provisions of Section 22 of this title, except that the president, or the first vice-president if serving in his stead, may vote in case of a tie. The president and first vice-president shall assume office at the annual meeting during which they are elected, and each shall hold office until his successor is elected at the next annual meeting of the State Bar; the president shall not be eligible to succeed himself as president. The president shall preside at all meetings of the Board and of the State Bar. In case of death, absence or disability of the president, his duties shall be discharged by the first vice-president until his successor be elected as herein provided for. In case of the death, absence or disability of the first vice-president, his duties shall be discharged by a vice-president to be selected by the Board of Commissioners until his successor be elected as herein provided for. At the same place, and immediately following the adjournment of the annual meeting of the State Bar, the Board of Commissioners shall hold its regular annual meeting and shall elect a secretary, who need not be a member of the Board, and such other officers and agents as the Board may deem appropriate, all of whom shall hold office at the pleasure of the Board and shall be subject to removal without cause by the Board at any time. The secretary shall be the only paid officer of the Board, and shall be paid a salary to be fixed by the Board."

Approved June 26, 1951.

Time: 9:47 A. M.

Act No. 129

S. 134—Andrews, Reneau and Skidmore

AN ACT

To authorize qualified lawyers of Alabama who are not actively engaged in practicing law in Alabama to become members of the Alabama Bar Association by payment of dues direct to the Association's Secretary, repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. All lawyers who are qualified to practice law in Alabama and who are not engaged in active practice may become members of the Alabama Bar Association by payment direct to the Secretary of such Association an annual sum of Fifteen Dollars (\$15.00).

Section 2. Upon the payment of said sum as prescribed in Section 1, such person shall be entitled to all the privileges and benefits common to the other members of such Association.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1951.

Time: 9:49 A. M.

Act No. 130

S. 164—Thagard

AN ACT

To confer additional powers on circuit solicitors, deputy circuit solicitors, assistant deputy circuit solicitors, county or other solicitors.

Be It Enacted by the Legislature of Alabama:

Section 1. Every circuit solicitor, deputy circuit solicitor, assistant deputy circuit solicitor, county or other solicitor by whatever name called within the circuit, county or other territory for which he is elected or appointed shall have the power to take oaths in support of complaints and to issue warrants in all criminal cases, provided, that such warrants shall be made returnable to a court having original jurisdiction of the offense charged.

Section 1 (a) Provided that said act shall not apply to counties which comprise one entire circuit with more than two and less than five circuit Judges.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1951.

Time: 10:15 A. M.

Act No. 131

S. 244—Pinson

AN ACT

To require the installation of reflectors on the front and rear of any horse-drawn wagon, buggy, carriage, or other vehicle which is operated on the public highways, roads, and streets between sunset and sunrise, and making it a misdemeanor for any person to operate such a vehicle under such circumstances without such equipment thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to operate a horse-drawn wagon, buggy, carriage, or other vehicle upon any public highway, road, or street between sunset and sunrise unless there is affixed to the rear of such vehicle at least two red reflectors or similar warning devices, one on each corner, and

to the front of such vehicle one amber reflector or similar warning device on the lefthand front of said vehicle. Any person who violates this Act is guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed, but this Act does not repeal the provisions of Subsection (e), Section 40, Title 36, Code of Alabama (1940).

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1951.

Time: 10:19 A. M.

Act No. 132

S. 300—Foster

AN ACT

To impose extra, new and additional duties upon the members of the county governing body of Madison County and to provide additional compensation for the performance thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That, in addition to all other duties now imposed upon them by law, the following extra, new and additional duties are hereby imposed upon the members of the county governing body of Madison County:

(a) Each member of the Board of County Commissioners of Madison County shall make an inspection tour of the roads and bridges in his respective district prior to the 15th of each month, and another such inspection tour of the roads and bridges in his district prior to the last day of each month. A report of said tour shall be made at the next regular meeting of the Board of County Commissioners of Madison County, and shall set forth the condition and work being performed on the various roads and bridges throughout his district.

(b) Each member of the Board of County Commissioners of Madison County shall inspect the roads and bridges throughout Madison County every three months in order to be familiar with the road and bridge program throughout the county in order to better plan his own road and bridge work so as to coordinate said work on a county-wide basis. Each member shall inspect the Madison County boat harbor every three months.

(c) Each member of the Board of County Commissioners of Madison County, shall file in the office of the Board of County Commissioners, not later than the first Monday of each month, a report of the costs of operation of the road machinery and equipment in his district during the preceding month. Such re-

port shall set forth the cost of operation of each machine or item of equipment. These monthly reports shall be kept on file in the office of the Board of County Commissioners and shall be open to inspection by the public at all reasonable hours.

Section 2. For the performance of the extra, new, and additional duties hereby placed upon him, the Chairman of the Board of County Commissioners of Madison County shall receive in addition to the compensation now provided by law, the additional sum of \$2,400.00 per year, and each member of the Board of County Commissioners of Madison County, except the Chairman, shall receive in addition to the compensation now provided by law, the additional sum of \$1,200.00 per year, each payable in monthly installments out of the general fund of the County.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1951.

Time: 10:21 A. M.

Act No. 133

S. J. R. 20—Robison and Faulkner

SENATE JOINT RESOLUTION

WHEREAS, there is now pending before the Legislature of Alabama House Bill No. 237, which levies an additional one cent sales tax in Alabama, and

WHEREAS, it is the intention of the Legislature that this additional revenue be used for education, and

WHEREAS, the Legislature of Alabama recognizes that the salaries of the class room teachers are not adequate, and

WHEREAS, it is the intention and will of the Legislature that from the proceeds of the revenue derived from this additional tax levy the individual class room teacher of Alabama shall receive a raise in salary,

Now, therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that the State Department of Education and the county and city Boards of Education of Alabama be informed as to the intention and will of the Legislature of Alabama as to the use of a portion of this additional revenue and that the said Boards of Education be requested to increase the salary of each class room teacher of Alabama to average an increase of \$300.00 per annum.

Approved June 26, 1951.

Time: 10:17 A. M.

Act No. 134

H. 429—Leonard, Payne

AN ACT

To alter and rearrange and extend the corporate limits of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

(a) The Southwest one-quarter of Northwest one-quarter of Section 5, Township 22 South, Range 4 East.

(b) The Northeast one-quarter of Northeast one-quarter of Section 6, Township 22 South, Range 4 East.

(c) The Southeast one-quarter of Northeast one-quarter of Section 6, Township 22 South, Range 4 East.

(d) The Northwest one-quarter of Northeast one-quarter of Section 6, Township 22 South, Range 4 East.

(e) The Southwest one-quarter of Northeast one-quarter of Section 6, Township 22, Range 4 East.

This Act shall take effect immediately upon its passage and approval by the Governor.

Approved June 26, 1951.

Time: 11:35 A. M.

Act No. 135

H. 412—Summerlin

AN ACT

To require the tax assessor and tax collector of counties having a population of not less than 18,675 nor more than 19,150 inhabitants as shown by the last or any subsequent federal census, in addition to such duties as are now required of them by law, to act in an advisory capacity to the county board of equalization, and to investigate complaints as to assessments and make reports thereon to said board, and to provide for additional compensation of the tax assessor and tax collector of such counties, to be paid out of the general fund of such counties, on account of such extra and additional duties; and repealing Act No. 494, S. 540, approved August 30, 1949 (Acts of Alabama, 1949, pp. 718-719).

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be effective only in those counties of the State having a population of not less than 18,675 nor more than 19,150 inhabitants as shown by the last or any subsequent federal census.

Section 2. That in addition to all duties required of the tax assessors and tax collectors of such counties by law, they shall cause investigations to be made of all real or personal property

subject to tax assessment in such counties, when requested so to do by the Board of Equalization of such counties and furnish said board such information as it might desire in connection with any tax assessment, and that the tax assessor and tax collector likewise be required to furnish said board with any information available to them concerning any tax assessments of any and all property in such counties, upon request, before or after establishing any assessment value thereon by said board.

Section 3. The tax assessor and tax collector of such counties each be and they are hereby allowed as compensation for the performance of the duties and rendition of the services required of them by this Act, the sum of \$600.00 per annum, in addition to the compensation now fixed by law, which said additional compensation shall be payable out of the general fund of such counties in twelve equal monthly installments.

Section 4. Act No. 494, S. 540, approved August 30, 1949 (Acts of Alabama, 1949, pp. 718-719) is hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1951.

Time: 10:21 A. M.

Act No. 136

H. 409—Summerlin

AN ACT

To impose additional duties upon the county solicitor of any county having a population of not less than 18,765 nor more than 19,150 inhabitants and to increase his compensation for the performance of such duties; and repealing Act No. 493, S. 539, approved August 30, 1949 (Acts of Alabama, 1949, p. 718).

Be It Enacted by the Legislature of Alabama:

Section 1. In any county having a population of not less than 18,765 nor more than 19,150 inhabitants according to the last or any subsequent federal census, whenever requested by the probate judge of the county, the county solicitor, in addition to all other duties now imposed upon him by law, shall assist the sheriff in all major criminal investigations, and shall assist the welfare department in investigations relative to juvenile cases. He shall also, when requested by any justice of the peace to do so, appear and represent the State in any criminal proceeding before such justice.

Section 2. For the new, extra and additional duties imposed upon him by this Act, the county solicitor shall receive additional compensation in the amount of six hundred dollars (\$600) per annum, payable in twelve equal installments out of the general

fund of the county, as his present salary is paid. This extra, new and additional compensation hereby provided shall be in addition to any and all compensation allowed him by and under the provisions of any other law, whether general, local or special.

Section 3. Act No. 493, S. 539, approved August 30, 1949 (Acts of Alabama, 1949, p. 718) is hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 26, 1951.

Time: 10:21 A. M.

Act No. 137

S. 17—High, Clayton, Foster, Robison,
Eddins

AN ACT

To amend Section 675 of Title 2 of the Code of Alabama of 1940, as amended by Section 2 of Act No. 499 of the Legislature of 1943, approved July 8, 1943, which relates to a surety bond and insurance to be carried by persons performing services pertaining to entomological work, pathological work, horticultural, floricultural and tree surgery work.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 675 of Title 2 of the Code of Alabama of 1940 as amended by Section 2 of Act No. 499 of the Legislature of 1943, approved July 8, 1943, be and the same is hereby amended to read as follows: "Section 675. BOND—The State Board of Agriculture and Industries must require each applicant for a permit to perform subterranean termite eradication and control work to furnish a satisfactory fidelity bond payable to the State of Alabama and filed with the Commissioner of Agriculture and Industries and approved by him in the sum of \$2,-500.00 and conditioned that the principal therein named shall honestly and in a skillful and workmanlike manner conduct and practice his said business or profession. It shall be mandatory that the licensee give such bond in the sum of twenty-five hundred dollars, to be so conditioned as to be valid and effective for a period of five years; and any person or operator so engaging in the treatment of any buildings or structure for subterranean termite eradication or subterranean termite control shall be required to secure and carry in a fire or casualty insurance company, qualified to do business in the State of Alabama, a blanket insurance policy in the sum of ten thousand dollars for the protection and insurance of the owner or owners of any such building or structure so treated against any explosion or fire loss or explosion or fire damage proximately caused by such treatment of such building or in the act of so treating such building or structure for subterranean termite eradication or control. The

failure or refusal of the principal to comply with the terms of his contract shall constitute a breach of said bond; and any person having a right of action against the principal in such bond arising out of or in the practice of professional work or services as defined in Section 672, Title 2 of the Code of Alabama of 1940, may bring suit against the principal and sureties on such bond in the county where the work was done. Should the surety furnished on such bond become unsatisfactory to the Commissioner of Agriculture and Industries said principal shall execute a new bond, and should he fail to do so within ten days after notice, it shall be the duty of the Commissioner of Agriculture and Industries to cancel his permit or license and to give him notice of said fact; and it shall be unlawful thereafter for such person to engage in said business without obtaining a new permit or license."

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved June 29, 1951.
Time: 11:12 A. M.

Act No. 138

S. 294—McCary

AN ACT

To provide for Calhoun County and the incorporated municipalities therein having a population of more than five thousand inhabitants a county-wide civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county and incorporated municipalities therein; defining violations of the Act; imposing penalties for violations; providing for the transfer of employees presently employed under a civil service system; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Calhoun County.

Section 2. As used in this Act, unless the context clearly requires a different meaning: "county" means Calhoun County; "municipalities or cities" means incorporated municipalities situated in Calhoun County which have a population of more than five thousand inhabitants; "employee" means any person, including firemen and policemen, not excepted by Section 3 of this Act who is employed in the service of Calhoun County or any incorporated municipality therein; "board" means the civil service board created by this Act; "appointing authority" means in the case of employees in the offices of the elected officers of the county, such elected officers; in the case of all other county employees, the county governing body; in the case of employees of a municipality, the governing body of the municipality.

Section 3. The provisions of this Act shall apply to all officers

and employees in the service of the county and municipalities except: (a) elective officers; (b) members of appointive boards, commissions, and committees; (c) all employees of the county board of education or a city board of education, or persons engaged in the profession of teaching or in supervising teaching in the public schools, excepting, however, personnel employed in kindergartens or schools not a part of the county or a city school system operated under the direction and supervision of the county board of education or a city board of education; (d) attorneys, physicians, surgeons and dentists employed in their professional capacities; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) the personnel director provided for in this Act.

Section 4. All employees of the county and municipalities shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this Act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this Act.

Section 5. There is hereby created the Civil Service Board of Calhoun County, which shall be composed of five members appointed by the Governor with the advice and consent of the Legislature. Of the first members of the board one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Their successors shall be appointed for terms of five years. No person shall be appointed to the board who is not a resident and qualified elector of Calhoun County and over the age of twenty-five years. No member of the board shall hold any other office or employment under the county, any municipality in the county or the State of Alabama. Vacancies on the board shall be filled for the unexpired term by the remaining members of the Board. The first five members of the board shall be appointed within thirty days after the effective date of this Act. The members of the Board shall elect one of their number chairman of the Board.

Section 6. Members of the board shall be paid ten dollars for each regular meeting of the Board attended and ten dollars for each meeting attended at which charges against an employee are heard and determined or at which appeals to the board by employees are heard and determined; provided, that no member shall be paid more than one hundred fifty dollars in any one

year for attending regular meetings of the board. The board shall have power to appoint personnel necessary for its work and to delegate to its personnel such duties and powers as may be practicable.

Section 7. The Board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the county courthouse or in the city hall of one of the municipalities.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this Act. A rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the personnel director. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: 1) classify the different types of services to be performed in the service of the county or municipalities; 2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; 3) fix a maximum and minimum salary for each class; and 4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the county or municipalities shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the county or municipal governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the county treasury or any municipal treasury for the payment of salary to any employee covered by the provisions of this Act unless the warrant is

in an amount authorized by the board to be paid such employee. A sum paid as salary contrary to the provisions of this Section may be recovered in an action brought by any resident of the county or the municipality involved against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the county and each municipality, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this Section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the county or any municipality, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the county or within the service of the municipality affected from another position of the same class. However, the ranking layoff of the same class shall be appointed in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this Act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing au-

thority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority shall have authority to demote any subordinate employee or to suspend him for cause. In the event an employee is demoted, or suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of demotion or suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the demotion or suspension shall be revoked.

Section 14. a) No permanent employee shall be removed or discharged except for cause, upon written charges, a copy of which must be filed with the board and such employee shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the filing of the charges with the board. Charges may be filed by any resident of the county or the municipality employing the employee and the hearing shall be open to the public. The decision of the board shall be reduced to writing and entered in the record. In all proceedings before the board, the county attorney or attorney of the interested municipality may appear and represent the interest of the county or municipality when requested to do so by the board. The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this Act. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this State, which fees shall be paid from the treasury of the county or the municipality concerned in the hearing, as the case may be.

b) Any person aggrieved by a decision of the board in the case of a removal or discharge may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the Board.

Section 15. No employee shall make, solicit or receive any

assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The board shall appoint a personnel director whose duty it shall be to act in the capacity of director for the personnel system. He shall serve at the pleasure of the board. He shall act as secretary of the board, but shall not have a vote in determining the board's policy. He shall perform such duties as are assigned to him by the board. The compensation of the director shall be fixed by the board at a sum not to exceed four thousand eight hundred dollars per annum. The director shall: (a) attend all meetings of the board; (b) administer all provisions of this Act and the rules established hereunder; (c) under the direction of the board, prepare rules, and revisions and amendments thereof for the consideration of the board.

Section 17. The compensation and all other expenses of the personnel board, the personnel director and all others arising under the provisions hereof, shall be paid from the general fund of the county on the order of the board in the same manner as other county salaries and expenses are paid. At the end of the county's fiscal year it shall prorate the total sum which it has expended for the purposes of this Act between itself and the municipalities subject to this Act, charging each with such part of the total sum so expended as the total number of employees of such county, or municipalities, who were subject to the provisions of this Act on the last day of the county's fiscal year, bears to the total number of employees of both the county and the municipalities subject to the provisions of this Act on such last day of the county's fiscal year. The sum so arrived at by the county as the proper contribution of each shall be certified to the personnel director and when approved by him in writing, shall become a liability of the municipalities and shall be paid immediately to the county. In the event the salaries of a county or municipality are paid in part from different treasuries or different funds in the same treasury, the liability for this contribution shall accrue against such various treasuries or funds in the same proportion, as the salaries of the employees of the county or municipality are paid therefrom. In the event any contribution levied hereunder shall not be paid within thirty days after ap-

proval by the personnel director, the county may bring suit therefor in any court of competent jurisdiction and any judgment so recovered shall be satisfied from any funds in such treasury or funds against which such contribution levy lies.

Section 18. Any person in the service of the county or a municipality by appointment under civil service rules or regulations who wilfully violates any of the provisions of this Act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 19. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor.

Section 20. Insofar as is consistent with the provisions of this Act, any employee of the county or any municipality who is presently employed or covered under a civil service system shall be transferred to and become a member of the system created by this Act without loss of status, rights or privileges.

Section 21. Article 8 of Title 62 of the Code of Alabama, 1940, insofar as it applies to the City of Anniston and all other laws or parts of laws, general, special or local, which conflict with the provisions of this Act are hereby repealed and superseded.

Section 22. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 23. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:12 P. M.

Act No. 139

S. 335—Fant

AN ACT

Relating to Winston County; amending Section 4 of Act No. 333, H. 815, approved September 5, 1939, entitled "An Act To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far

as the same apply to Winston County, Alabama" (Local Acts, 1939, p. 221).

Be It Enacted by the Legislature of Alabama:

Section 4 of Act No. 333, H. 815, approved September 5, 1939, entitled "An Act To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general in conflict herewith in so far as the same apply to Winston County, Alabama" (Local Acts, 1939, p. 221), is hereby amended to read as follows:

"Section 4. The Highway Board shall elect and appoint a Secretary of the Board who shall act as secretary at all meetings and the Board shall procure permanent, well-bound books similar to those provided for the minutes of the Court of County Commissioners in which the Secretary shall, under the direction of the Chairman of said Board, record all acts of the Highway Board, and the filing of all claims, auditing the same and the allowance thereof shall be in the same manner as now provided by law as to Courts of County Commissioners. The secretary of said Board shall also act as the Treasurer of said Board and for the services rendered in such capacity and as Secretary shall receive not more than two hundred dollars (\$200) per month, to be paid from the same funds and in the same manner as is provided in this Act for the payment of the compensation of the members of the Highway Board. Before entering on his duties the said Secretary must give bond with at least two good and sufficient sureties in the sum of \$5,000.00 payable to Winston County and conditioned as provided by law for faithful performances of his duties, said bond to be approved by the Chairman of said Board, and said bond to be filed and recorded with the Judge of Probate of said County. Failure to make the bond as provided for herein within 15 days from the date of appointment shall vacate said appointment."

Approved June 29, 1951.
Time: 5:25 P. M.

AN ACT

Relating to the construction, maintenance and repair of the county roads and bridges of Jackson County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department and relieving the county, and the officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials, to the State Highway Department of all funds, including Jackson County's proportionate share of the State gasoline tax, State motor vehicle license tax allocated to the county, supplies, equipment, machinery and materials for the construction, maintenance and repair of county roads and bridges; repealing Sections 9 and 10 of Act No. 65, H. 81, approved November 4, 1950, and all other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Highway Department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Jackson County.

Section 2. The county governing body of Jackson County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

c) To determine, subject to the approval of the State Highway Department, the location of new roads and bridges within the county which may be established as an addition to the presently existing county road system of Jackson County.

d) To exercise, subject to the approval of the State Highway Department, the right of eminent domain for the purpose of acquiring right of way for the establishment and changing county roads and bridges in the manner presently provided by law.

Section 3. The governing body of Jackson County shall have no authority:

a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance or repair of county roads and bridges;

b) To contract for or purchase any services, supplies, equip-

ment, machinery or materials used in the construction, maintenance or repair of county roads and bridges;

c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery or materials provided in the construction, maintenance or repair of county roads or bridges.

Section 4. Upon the effective date of this Act the governing body of Jackson County and all officials of the county shall transfer and turn over to the State Highway Department all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter on or before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Jackson County shall pay over to the State Highway Department all funds collected or received as taxes, including the motor vehicle license tax allocated to the county, or otherwise by them from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing, maintaining or repairing county roads or bridges. Such funds shall be maintained separately by the State Highway Department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Jackson County subject to the provisions of this Act.

Section 5. All persons employed by Jackson County in the construction, maintenance and repair of county roads and bridges as of March 1, 1951, whose compensation was paid entirely by the county, and who are in the service of the county on the effective date of this Act shall continue to be employed by the State Highway Department in the county and be brought under and be covered by the State Merit System Law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the State Merit System Law. All other persons employed by the Highway Department in connection with the administration of this Act shall be subject to the State Merit System Law.

Section 6. After the effective date of this Act, the State Highway Department shall pay all of the outstanding financial obligations of Jackson County which were incurred prior to the adoption of this Act, for the construction, maintenance or repair of county roads and bridges out of the funds to be paid over to the Highway Department under the provisions of Section 4 of this Act. Nothing contained in this Act, however, shall be construed to relieve Jackson County of the liability for paying any of its financial obligations now existing or hereafter incurred under the provisions of Section 2 (b) hereof in the event the funds paid over to the State Highway Department are insufficient to do so,

or to require any of the financial obligations presently existing or hereafter incurred under the provisions of Section 2 (b) hereof of the county to be paid from funds of the Highway Department.

Section 7. The State Highway Department shall construct, maintain and repair the county roads and bridges of Jackson County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Jackson County for road and bridge work from any source whatsoever. The State Highway Department shall retain, and the appropriate State official is authorized to pay over to it, any funds or amounts to which Jackson County shall be entitled to from the proceeds of the State gasoline tax, the motor vehicle license tax allocated to the county, or any other State tax, and such sums and amounts shall be used in addition to the sums and amounts turned over to the State Highway Department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Jackson County is entitled, received by the State Highway Department for road work in Jackson County shall be kept in the separate account referred to in Section 4 of this Act.

Section 8. Any contract for the construction, maintenance and repair of county roads and bridges entered into by Jackson County prior to the adoption of this Act, shall remain in full force and effect until the terms thereof have been complied with.

Section 9. Sections 9 and 10 of Act No. 65, H. 81, approved November 4, 1950 and all other laws or parts of laws in conflict with this Act are hereby repealed.

Section 10. The provisions of this Act are hereby declared to be severable in nature and should any Section or other portion thereof be declared unconstitutional or invalid such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 11. This Act to become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 29, 1951.

Time: 7:15 P. M.

Act No. 141

S. 348—Thagard

AN ACT

Relating to Butler County: To withdraw and take away from justices of the peace and notaries with justice of the peace powers criminal and quasi-criminal jurisdiction.

Be It Enacted by the Legislature of Alabama:

Section 1. All criminal and quasi-criminal jurisdiction of whatever kind, whether final or for the purpose of binding over to await the action of the grand jury, is hereby withdrawn and taken away from justices of the peace and notaries with powers of justices of the peace within the boundaries of Butler County, Alabama, and justices of the peace and notaries ex officio who now are or who may hereafter be elected or appointed for any portion of the territorial limits herein mentioned shall have and exercise civil jurisdiction only, and shall not have or exercise any criminal or quasi-criminal jurisdiction whatsoever. PROVIDED, That this Act shall not deprive any inferior court of Butler County, Alabama, or the recorder or mayor of any municipality within said County of any criminal jurisdiction now exercisable by it or him.

Section 2. This Act shall not apply to or affect any criminal or quasi-criminal case pending in any court on the effective date hereof.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:12 P. M.

Act No. 142

S. 353—Faulkner

AN ACT

Relating to the construction, maintenance, and repair of the county roads and bridges of Baldwin County; providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department and relieving the county of certain duties in regard thereto; providing for the transfer by the county to the State Highway Department of all gasoline tax proceeds, supplies, equipment, machinery, and materials for the construction, maintenance, and repair of county roads and bridges; providing for the employment by the State Highway Department of persons presently employed by the county in the construction, maintenance, and repair of county roads and bridges; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Highway Department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance, and repair of the existing county roads and bridges in Baldwin County and shall have and exercise authority, power and jurisdiction over the same in like manner and to the extent it has and exercises over State roads and it may establish new and make extensions to old county roads whenever in its judgment the needs of the public requires;

but the necessary rights-of-way for such roads and bridges shall be acquired by the governing body of Baldwin County. The department shall employ an engineer with full authority to perform this road work in the county and the governing body of the county shall provide the engineer an office in the county seat.

Section 2. As to the county roads taken over by the Department under this act the governing body of Baldwin County shall have and may exercise only the authority, jurisdiction, powers and functions relative to the construction, maintenance, and repair of such county roads and bridges as are conferred upon it by this act, as follows:

(a) To levy road and bridge taxes and to appropriate money for the construction, maintenance, and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State, and to transfer such money to the State Highway Department for such road work;

(b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining, and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

(c) To determine, subject to the approval of the State Highway Department, which new county roads and bridges are to be built within the county;

(d) To exercise, subject to the approval of the State Highway Department, the right of eminent domain for the purpose of establishing and changing county roads and bridges in the manner presently provided by law.

Section 3. As to the county roads taken over by the Department under this Act the governing body of Baldwin County shall have no authority:

(a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance, or repair of such county roads and bridges;

(b) To contract for or purchase any services, supplies, equipment, machinery, or materials used in the construction, maintenance, or repair of such county roads and bridges;

(c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery, or materials provided in the construction, maintenance, or repair of such county roads and bridges.

Section 4. Upon the effective date of this Act, the governing body of Baldwin County and all officials of the county having custody or control of the same shall transfer and turn over to

the State Highway Department all supplies, equipment, machinery, and materials held, owned, leased or controlled by it or them for the construction, maintenance, and repair of county roads and bridges. Commencing thirty days after the effective date of this Act, the State Comptroller shall each month pay over to the State Highway Department all gasoline tax proceeds collected or received by him for the use of Baldwin County. The County Treasurer, the County governing body and all other county officials of Baldwin County having custody or control of the same shall make available to the State Highway Department, upon passage of this Act, all of the accrued and unobligated State County aid and also farm-to-market road money, including Federal-aid funds which have accrued or which may accrue to Baldwin County. All moneys received by the State Highway Department under the provisions of this Act shall be maintained in a separate fund by the State Highway Department and shall be used by it solely for the purpose of construction, maintenance, and repair of county roads and bridges in Baldwin County, subject to the provisions of this Act.

Section 5. All persons regularly employed by Baldwin County in the construction, maintenance, and repair of county roads and bridges as of June 1, 1951, and who are in the service of the county on the effective date of this Act shall continue to be employed by the State Highway Department in the county and be brought under and be covered by the State Merit System Law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the State Merit System Law. All other persons employed by the Highway Department in connection with the administration of this Act shall be subject to the State Merit System Law. Provided, however, the county engineer employed by Baldwin County shall not be covered under the State Merit System Law, and his services may or may not be continued at the discretion of the Highway Department.

Section 6. Baldwin County shall continue to have under its present road laws the right, power, duty, authority and jurisdiction to establish new county roads and bridges, including the making of extensions to existing county roads and bridges; and the State at its election may take over the same for construction and maintenance; or the County may contract for the construction, maintenance and repair of the same, the cost thereof to be paid out of any funds under its jurisdiction and control which may be lawfully used for such purpose, other than those required by this Act to be paid to the State Highway Department.

Section 7. The responsibility of the State Highway Department for, and its authority, jurisdiction, powers, and functions in regard to, the construction, maintenance, and repair of the

county roads and bridges of Baldwin County shall cease and terminate on October 1, 1954. The State Highway Department and the governing body of Baldwin County are hereby empowered to enter into a contract, effective as of October 1, 1954, for a period not exceeding four years, continuing the responsibility of the State Highway Department for, and its authority, jurisdiction, powers, and functions in regard to, the construction, maintenance, and repair of the county roads and bridges of Baldwin County, in accordance with the provisions of this Act, and, from time to time, to renew such contract for not exceeding a like period of time.

Section 8. On October 1, 1954, or on the expiration date of any contract which may be entered into by the State Highway Department and the governing body of Baldwin County under the provisions of Section 7 hereof, as the case may be, the responsibility for, and the authority, jurisdiction, powers and functions in regard to, the construction, maintenance, and repair of the county roads and bridges of Baldwin County shall be transferred from the State Highway Department to the governing body of Baldwin County in the following manner:

(a) The State Highway Department shall turn over and deliver to the governing body of Baldwin County supplies, equipment machinery, and materials of like kind, age and conditions, or the equivalent thereof, to the supplies, equipment, machinery and materials turned over to the State Highway Department by Baldwin County on the effective date of this Act, under the provisions of this Act:

(b) The State Highway Department shall pay, or cause the proper official of the State of Alabama to pay, to the proper official of Baldwin County, Alabama, the unexpended balance of all moneys received by the State Highway Department, under the provisions of this Act;

(c) Thirty days after the Highway Department ceases to have any authority, jurisdiction, and powers over the construction repair or maintenance of roads and bridges in said county, under the authority of this Act or any contracts entered into in pursuance hereof the State Comptroller shall cease to pay over to the State Highway Department all gasoline tax proceeds collected or received by him for the use of Baldwin County, and shall thereafter pay over such proceeds to the proper official of Baldwin County;

(d) The persons employed by the State Highway Department under the provisions of this Act, in the construction, maintenance, and repair of county roads and bridges in Baldwin County shall cease to be employees of the State Highway Department, shall no longer be subject to the State Merit System Law, and shall become employees of Baldwin County.

Section 9. All laws and parts of laws whether general or local, except Act No. 239, H. 597, approved May 29, 1931, or any act amendatory thereof, which conflicts with the provisions of this Act are hereby repealed; and those provisions of Act No. 239, H. 597, approved May 29, 1931, or any act amendatory thereof, which conflict with the provisions of this Act are hereby superseded, to the extent of such conflict, for such period of time as the responsibility of the State Highway Department for, and its authority, jurisdiction, powers and functions in regard to, the construction, maintenance, and repair of the county roads and bridges of Baldwin County shall continue under the provisions of this Act or any contract entered into under the provisions of the same.

Section 10. In the event the county governing body of Baldwin County has entered into any contract or contracts for the purchase of any road machinery, equipment, or materials and such machinery, equipment or materials has not been delivered to the county before the effective date of this Act, then in such event the Highway Department shall accept delivery of such machinery, equipment or materials and pay for the same, and it shall pay any indebtedness owing by the county for machinery taken over hereunder for the payment of which the gasoline tax is pledged all out of the funds received by it under the provisions of Section 4 hereof.

Section 11. This Act shall become effective on the first day of the month following the month in which it is passed and approved by the Governor, or its otherwise becoming a law.

Section 12. That if any section, paragraph, division, or portion of this Act shall be declared unconstitutional or void for any reason, it shall not affect the validity of the remaining sections, paragraphs, provisions, or portions of this Act.

Approved June 29, 1951.

Time: 7:16 P. M.

Act No. 143

S. 356—Todd

AN ACT

Relating to the construction, maintenance and repair of the county roads and bridges of Franklin County; providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department and relieving the county, and the officials thereof, of certain duties in regard thereto; providing for the transfer by the county and its officials, to the State Highway Department of all funds, including Franklin County's proportionate share of the State gasoline tax, State motor vehicle license tax allocated to the county, supplies, equipment, machinery and materials for the construction, maintenance and repair of county roads and bridges; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Highway Department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Franklin County.

Section 2. The county governing body of Franklin County shall have and exercise only the powers and functions relative to the construction, maintenance and repair of the county roads and bridges as are conferred upon it by this Act, as follows:

a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

c) To determine, subject to the approval of the State Highway Department, the location of new roads and bridges within the county which may be established as an addition to the presently existing county road system of Franklin County.

d) To exercise, subject to the approval of the State Highway Department, the right of eminent domain for the purpose of acquiring right of way for the establishment and changing county roads and bridges in the manner presently provided by law.

Section 3. The governing body of Franklin County shall have no authority:

a) To employ or discharge or regulate or control in any manner personnel for the construction, maintenance or repair of county roads and bridges;

b) To contract for or purchase any services, supplies, equipment, machinery or materials used in the construction, maintenance or repair of county roads and bridges;

c) To pay or order payment to any person, firm or corporation for services rendered or supplies, equipment, machinery or materials provided in the construction, maintenance or repair of county roads or bridges.

Section 4. Upon the effective date of this Act the governing body of Franklin County and all officials of the county shall transfer and turn over to the State Highway Department all funds, supplies, equipment, machinery and materials held, owned, leased or controlled by it or them for the construction, maintenance and repair of county roads and bridges. Thereafter on or

before the tenth day of each month, the county treasurer, the county governing body and all other county officials of Franklin County shall pay over to the State Highway Department all funds collected or received as taxes, including the motor vehicle license tax allocated to the county, or otherwise by them from any source whatsoever during the preceding month which are designated or to be used for the purpose of constructing, maintaining or repairing county roads or bridges. Such funds shall be maintained separately by the State Highway Department and shall be used by it solely for the purpose of construction, maintenance and repair of county roads and bridges in Franklin County subject to the provisions of this Act.

Section 5. All persons employed by Franklin County in the construction, maintenance and repair of county roads and bridges as of March 1, 1951, whose compensation was paid entirely by the county, and who are in the service of the county on the effective date of this Act shall continue to be employed by the State Highway Department in the county and be brought under and be covered by the State Merit System Law without examination at no less than their salary on that date, and they shall not be discharged nor their salary decreased or increased except in accordance with the regulations of the State Merit System Law. All other persons employed by the Highway Department in connection with the administration of this Act shall be subject to the State Merit System Law.

Section 6. After the effective date of this Act, the State Highway Department shall pay all of the outstanding financial obligations of Franklin County which were incurred prior to the adoption of this Act, for the construction, maintenance or repair of county roads and bridges out of the funds to be paid over to the Highway Department under the provisions of Section 4 of this Act. Nothing contained in this Act, however, shall be construed to relieve Franklin County of the liability for paying any of its financial obligations now existing or hereafter incurred under the provisions of Section 2(b) hereof in the event the funds paid over to the State Highway Department are insufficient to do so, or to require any of the financial obligations presently existing or hereafter incurred under the provisions of Section 2(b) hereof of the county to be paid from funds of the Highway Department.

Section 7. The State Highway Department shall construct, maintain and repair the county roads and bridges of Franklin County from the funds paid over to it pursuant to Section 4 of this Act, and from funds which would otherwise accrue to Franklin County for road and bridge work from any source whatsoever. The State Highway Department shall retain, and the appropriate State official is authorized to pay over to it, any funds or amounts to which Franklin County shall be entitled to from the proceeds of the State gasoline tax, the motor vehicle license tax allocated to the county, or any other State tax, and such sums and amounts

shall be used in addition to the sums and amounts turned over to the State Highway Department under the provisions of Section 4 of this Act for the construction, maintenance and repair of county roads and bridges in said county. The gasoline tax money, and the proceeds of any other tax to which Franklin County is entitled, received by the State Highway Department for road work in Franklin County shall be kept in the separate account referred to in Section 4 of this Act.

Section 8. Any contract for the construction, maintenance and repair of county roads and bridges entered into by Franklin County prior to the adoption of this Act, shall remain in full force and effect until the terms thereof have been complied with.

Section 9. At the time the governing body of the County transfers to the department county-owned road equipment, machinery, and supplies, under the provisions of this Act, an inventory thereof shall be made, a copy to be kept on file by the County and by the department, and in the event this Act is repealed or becomes inoperative, the department shall return to the county road equipment, machinery, and supplies of like kind and equal value.

Section 10. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 11. The provisions of this Act are hereby declared to be severable in nature and should any Section or other portion thereof be declared unconstitutional or invalid such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 12. This Act to become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 29, 1951.

Time: 7:21 P. M.

Act No. 144

S. J. R. 23—Johnson (Chambers)

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring, that Senate Bills 131, 132 and 134, which have passed both houses, each be designated and be known as "The Andrews, Reneau, Skidmore, Merrill and Morgan (Tuscaloosa) Bill".

Approved June 29, 1951.

Time: 10:45 A. M.

Act No. 145

S. J. R. 24—Johnson (Chambers)

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives

concurring that Senate Bill 61 which has passed both Houses be designated and be known as "The Reneau, Merrill and Bush Bill".

Approved June 29, 1951.

Time: 11:01 A. M.

Act No. 146

S. J. R. 25—Johnson (Chambers)

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring that Senate Bill 36 which has passed both Houses be designated and be known as "The Reneau, Thagard, Merrill, Fite (Walker), Bush Bill".

Approved June 29, 1951.

Time: 11:03 A. M.

Act No. 147

S. J. R. 28—Clayton

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House of Representatives concurring that Senate Bill No. 18 be known as the High, Clayton, Foster, Robison, Eddins, Garrett and Givhan Bill.

Approved June 29, 1951.

Time: 11:05 A. M.

Act No. 148

H. 319—Givhan, Molette, Hardy, Wallace

AN ACT

Relating to taxation; providing further for deductions in computing net income for income tax purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In computing net income for income tax purposes as provided in Chapter 17, Title 51, Code of Alabama (1940), the taxpayer shall be allowed to deduct from his gross income cash contributions or cash gifts made within the taxable year to the State of Alabama, or any county, municipality, or other political subdivision thereof, for exclusively public purposes.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:07 P. M.

Act No. 149

H. 441—Martin

AN ACT

Relating to Greene County; To provide further for the governing of the County; providing that roads and bridges be constructed and maintained on the basis of the County as a unit; providing that the chairman of the Court of County Commissioners shall be county purchasing agent; fixing the compensation of the chairman and associate members of the Court of County Commissioners; providing for clerical assistance for the Court of County Commissioners; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Greene County.

Section 2. The construction and maintenance of all the county roads and bridges shall be on the basis of the county as a unit without regard to district or beat lines.

Section 3. The chairman of the Court of County Commissioners shall be the purchasing agent for the county and shall receive a salary of seventy-five dollars per month for the performance of his duties as chairman and as county purchasing agent.

Section 4. Each of the four associate members of the Court of County Commissioners shall receive a salary of fifty dollars per month for the performance of his duties. Such salary shall be in lieu of all other compensation, mileage allowance, fees or other allowances for the performance of their duties.

Section 5. The Court of County Commissioners is hereby authorized to employ not more than two clerks whose combined salaries shall not exceed three hundred and fifty dollars per month.

Section 6. The provisions of this Act shall not be repealed or amended by any general act of the Legislature unless it is expressly so provided in such Act.

Section 7. All laws or parts of laws which conflict with the provisions of this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:13 P. M.

Act No. 150

H. 453—Bush, Pienezza (Elmore)

AN ACT

For the relief of Mrs. Cora Lowell Morgan Rowe: To authorize and direct the governing body of Elmore County to pay to Cora Lowell

Morgan Rowe the sum of one thousand five hundred dollars to compensate her for the death of her husband who was killed in the course of his employment by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Elmore County is authorized and directed to pay out of any available funds in the county treasury to Cora Lowell Morgan Rowe the sum of one thousand five hundred dollars to compensate her for the death of her husband, Homer Harrison Rowe, who was killed in the course of his employment by the county on May 11, 1950.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:47 P. M.

Act No. 151

H. 454—Pienezza

AN ACT

Relating to Elmore County: To amend Section 2 of Act No. 90, H. 374, approved June 2, 1943 (Local Acts, 1943, p. 47), the Act which established the Court of Common Pleas of Elmore County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 90, H. 374, approved June 2, 1943 (Local Acts, 1943, p. 47), the Act which established the Court of Common Pleas of Elmore County, Alabama, is hereby amended to read as follows:

"Section 2. That said Court shall have civil jurisdiction in all civil matters of which justices of the peace of Elmore County have jurisdiction under the general laws of the State of Alabama, concurrently with the several justices of the peace in said County; and in addition thereto, the said court shall have jurisdiction, concurrently with the Circuit Court of Elmore County, Alabama, of all matters, suits and actions at law which are in amount more than the jurisdiction of the justices of the peace, and less than the sum of \$300.01, and when the value of the property sued for in a suit in detinue is less than \$300.01, provided, however, that the said court shall not have and exercise civil jurisdiction of actions of libel, slander, assault and battery or ejectment or actions in the nature of ejectment. The court shall have original jurisdiction concurrently with the Circuit Court of Elmore County of all misdemeanors committed within the county, and it shall have preliminary jurisdiction of all felonies and of bastardy and other criminal and quasi-criminal proceedings cognizable before justice of the peace courts. The territorial jurisdiction of the court shall be coextensive with the boundaries of Elmore County, Alabama."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:09 P. M.

Act No. 152

H. 455—Pienezza

AN ACT

Relating to Elmore County: To withdraw and take away from justices of the peace and notaries with justice of the peace powers criminal and quasi-criminal jurisdiction.

Be It Enacted by the Legislature of Alabama:

Section 1. All criminal and quasi-criminal jurisdiction of whatever kind, whether final or for the purpose of binding over to await the action of the grand jury, is hereby withdrawn and taken away from justices of the peace and notaries with powers of justices of the peace within the boundaries of Elmore County, Alabama, and justices of the peace and notaries ex officio who now are or who may hereafter be elected or appointed for any portion of the territorial limits herein mentioned shall have and exercise civil jurisdiction only, and shall not have or exercise any criminal or quasi-criminal jurisdiction whatsoever. PROVIDED, That this Act shall not deprive the Court of Common Pleas of Elmore County, Alabama, or the recorder of any municipality within said County of any criminal jurisdiction now exercisable by it or him.

Section 2. This Act shall not apply to or affect any criminal or quasi-criminal case pending in any court on the effective date hereof.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:10 P. M.

Act No. 153

H. 456—Pienezza

AN ACT

Relating to the Court of Common Pleas of Elmore County: To prescribe the court costs and fees to be taxed in certain cases in the court; and repealing conflicting provisions of Act No. 90, H. 374, approved June 2, 1943 (Local Acts of Alabama, 1943, page 47).

Be It Enacted by the Legislature of Alabama:

Section 1. The court costs and fees in all prosecutions in the

Court of Common Pleas of Elmore County for violations of the prohibition laws, for carrying a concealed weapon and for petit larceny or offenses punishable like petit larceny shall be the same as those prescribed for county courts by the general laws of the State, except that the trial tax in such cases shall be three dollars.

Section 2. The court costs and fees in the Court of Common Pleas of Elmore County in prosecutions for misdemeanors other than those enumerated in Section 1 of this Act, in bastardy proceedings, in peace proceedings and in preliminary examinations shall be the same as those prescribed for justice of the peace courts by the general laws of the State; provided, that in all such cases the trial tax shall be one dollar and no solicitors' fee shall be taxed as a part of the costs.

Section 3. All provisions of Act No. 90, H. 374, approved June 2, 1943 (Local Acts of Alabama, 1943, page 47) which conflict with the provisions of this Act are superseded and repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:11 P. M.

Act No. 154

H. 458—Coburn

AN ACT

Relating to Colbert County; dividing the county into four forest-protection districts, creating the office of District Forest Warden for each district and the office of Chief Forest Warden for the county, prescribing the duties of such officers, imposing such duties upon the chairman and members of the Board of Revenue, ex officio, and providing additional compensation for the chairman for the performance of the extra, new, and additional duties imposed on him by this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Colbert County is hereby divided into four forest-protection districts, the boundaries of each of which shall coincide with the four commissioners' districts. There shall be four district forest wardens, each of whom shall have the special duty of investigating and reporting, for his district, violations of Chapter 4 of Title 8 of the Code of Alabama (1940).

Section 2. The several members of the Board of Revenue of Colbert County shall be, ex officio, district forest wardens for their respective districts and perform such duties without additional compensation. The chairman of the board shall be, ex officio, chief forest warden for the County, whose duty it shall be to supervise and coordinate the activities of district forest wardens, plan and provide a general program for the protection

of the forests in the county, and procure the enforcement in his county of the laws of the State relating to the conservation, development, and protection of forests. He shall investigate and try to determine the origin of all forest fires reported, and prosecute the originator thereof if he is apprehended; he shall keep a complete record in his office of all fires which are reported, which record shall show the location of each fire and the efforts made to extinguish it; he shall cooperate fully with the State Department of Conservation and the officers and agents thereof; and for the performance of such duties he shall be paid a salary of fifty dollars (\$50) per month out of any funds in the county treasury not otherwise appropriated.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:25 P. M.

Act No. 155

H. 495—Malone (Houston)

AN ACT

To amend Section 6 of Act No. 599 approved September 19th, 1949, entitled "An Act to establish a four member Board of Revenue for Houston County, Alabama; to fix the salaries of members of said Board, manner of payment, term of office and time of election of members thereof and to provide all their duties under said act, including their additional duties; to divide said county into four districts and to provide the effective date therefor; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board; to employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue;" to provide for the employment and discharge of and fix the salary of the Road and Bridge Foreman and County Engineer; to fix the duties and authority of the County Engineer; to provide when a Road and Bridge Foreman shall be employed; to name and set out the County Engineer for the period ending in January, 1955; to fix the time for the appointment or election of the Road and Bridge Foreman or County Engineer; to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

(1) That Section 6 of Act No. 599 approved September 19th, 1949, entitled "An Act to establish a four member Board of Revenue for Houston County, Alabama; to fix the salaries of members of said Board, manner of payment, term of office and time of election of members thereof and to provide all their duties under said act, including their additional duties; to divide said county

into four districts and to provide the effective date therefor; to provide for the election of their successors in office, and the duties of the Judge of Probate with reference to said Board; to employ, discharge and fix the salary of the Road and Bridge Foreman; to provide that the Road and Bridge Foreman shall with the approval of the Board of Revenue employ and fix the compensation of agents, his assistants, overseers, workmen and laborers required for said work, and shall with the counsel, assistance and approval of said Board of Revenue purchase all necessary road material, machinery, teams, tools, supplies and equipment; to repeal all laws in conflict herewith and to fix qualifications of members of the Board of Revenue," be, and the same is hereby amended to read as follows:

"Section 6. The Board of Revenue shall elect or appoint a Road and Bridge Foreman as head of the Road and Bridge Department, and fix his salary in a sum not to exceed two hundred and fifty (\$250.00) dollars per month, unless the said Board of Revenue shall elect or appoint a full time County Engineer under the provisions of the Henderson Act approved September 19, 1939, (Code of Alabama for 1940, Title 12, Section 67 et seq.), and when said Board of Revenue shall elect or appoint a full time County Engineer, then the provisions hereof as to the election or appointment of a Road and Bridge Foreman shall become inoperative and shall so remain so long as said County Engineer is qualified and serving in that capacity. The Board of Revenue shall immediately elect or appoint said Road and Bridge Foreman or County Engineer after a vacancy is created in said office and each succeeding Board of Revenue shall elect or appoint said Road and Bridge Foreman or County Engineer immediately after their induction into office. The term of said office of said Road and Bridge Foreman or County Engineer shall continue after election or appointment thereof at the will of the Board of Revenue, provided, however, that in the event said Board of Revenue, shall elect or appoint a County Engineer, same shall also be subject to the terms and provisions of said Henderson Act as aforesaid. The present County Engineer now qualified and serving under the terms and provisions of said Henderson Act as aforesaid shall hold over and become County Engineer at the salary fixed or to be fixed by the Board of Revenue and the Highway Department of the State of Alabama, and he shall hold said office until the first Monday after the second Tuesday in January, 1955, unless sooner removed therefrom under the provisions of this amendment. Whenever the Board of Revenue has elected to elect or appoint a County Engineer under said Henderson Act as aforesaid, and has elected or appointed a full time County Engineer, then he shall have the said authorities and duties as those conferred upon the Road and Bridge Foreman under the terms and provisions of House Bill No. 1013, Local Acts 1935, pages 251 and 252, approved September 13, 1935, in addition to those conferred upon him by said Henderson Act. The Board of Reve-

nue is further authorized to pay him as County Engineer a salary not to exceed the sum of Four Thousand (\$4,000.00) dollars per year, which shall be the County's share of his said salary and paid out of the same funds as the salary of the Road and Bridge Foreman is paid, which also is provided for in said House Bill No. 1013, Local Act, 1935, pages 251 and 252, approved September 13, 1935."

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This act shall become effective immediately upon the approval thereof by the Governor.

Approved June 29, 1951.

Time: 6:15 P. M.

Act No. 156

H. 496—Malone (Houston)

AN ACT

To amend Section 1 of Act No. 13 approved May 19, 1945, and to amend Section 3 of the same Act as amended by act No. 331 approved August 4, 1949, entitled an Act: "To fix the compensation or salary to be paid the Tax Collector of Houston County, Alabama, and to regulate the payment of the same, to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Houston County, Alabama, and to require said Tax Collector to collect all fees, compensation and allowances heretofore or hereafter authorized to be collected by him and to pay same into the County Treasury of Houston County; to provide for the payment of the salary or compensation of said Tax Collector of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, to prohibit rebates of compensation allowed for clerks, deputies, and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 13 approved May 19, 1945 entitled an Act: "To fix the compensation or salary to be paid the Tax Collector of Houston County, Alabama, and to regulate the payment of the same, to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Houston County, Alabama, and to require said Tax Collector to collect all fees, compensation and allowances heretofore or hereafter authorized to be collected by him and to pay same into the County Treasury of Houston County; to provide for the payment of the salary or compensation of said Tax Collector of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations

for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, to prohibit rebates of compensation allowed for clerks, deputies, and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect", be and the same is hereby amended so as to read as follows: Section 1. That the salary or compensation of the Tax Collector of Houston County, Alabama, shall be forty six hundred (\$4600.00) dollars per year, and the said Forty Six Hundred (\$4600.00) dollars annual salary or compensation shall be paid out of the County Treasury of Houston County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Houston County are paid.

Section 2. That Section 3 of Act No. 13 approved May 19, 1945 as amended by Act No. 331 approved August 4, 1949, entitled an Act: "To fix the compensation or salary to be paid the Tax Collector of Houston County, Alabama, and to regulate the payment of the same, to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Tax Collector of Houston County, Alabama, and to require said Tax Collector to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him and to pay same into the County Treasury of Houston County; to provide for the payment of the salary or compensation of said Tax Collector of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Tax Collector, to prohibit rebates of compensation allowed for clerks, deputies, and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect", be and the same is hereby amended so as to read as follows: Section 3. The Board of Revenue, or like governing body of Houston County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and assistants to the said Tax Collector, but the Tax Collector shall select such clerks, deputies and assistants and the number and salaries of said clerks, deputies and other assistants shall be as follows: One Chief Clerk selected by him shall not be less than eighteen hundred (\$1800.00) Dollars nor more than twenty four hundred (\$2400.00) dollars per annum and such further clerks, deputies and other assistants as may be necessary but whose combined salaries shall not exceed the sum of nine hundred (\$900.00) dollars per annum. No new clerk, deputy or assistant shall be employed at a salary greater than the minimum provided herein, unless said clerk, deputy or assistant has had three years or more experience in the same office. No new clerk, deputy or assistant shall receive more than one increase during any six month period, and said increase shall not be made in any greater amount than twelve

and 50/100 (\$12.50) dollars per month during any six months period. All increases are subject to the approval of said Board of Revenue or like governing body of Houston County. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Houston County, upon separate warrants drawn in the same manner as other employees of Houston County are paid.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. This act shall become effective immediately upon the approval thereof by the Governor.

Approved June 29, 1951.
Time: 6:16 P. M.

Act No. 157

H. 497—Malone (Houston)

AN ACT

To fix the salary of the Deputy Solicitor for Houston County, Alabama, at Twenty One Hundred Dollars per year, and to provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section I. That the salary of the Deputy Solicitor of Houston County, Alabama, be, and the same hereby is, fixed at the sum of Twenty One Hundred Dollars per year, payable out of the County Treasury of said County, in monthly installments of One Hundred Seventy-Five Dollars each, as provided by law for payment of salaries out of the General Fund of said County.

Section II. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section III. That this Act shall be effective immediately upon its passage and approval by the Governor.

Approved June 29, 1951.
Time: 6:17 P. M.

Act No. 158

H. 498—Malone (Houston)

AN ACT

To amend Section 1 of Act No. 14 approved May 19, 1945, and to amend Section 3 of the same Act as amended by Act No. 192 approved July 6, 1949, entitled an Act: "To fix the compensation or salary to be paid the Clerk of the Circuit Court of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of

clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Houston County, Alabama, and to require the said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Houston County, provided, however, that all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Clerk, shall be retained in the hands of said Clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Houston County, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 14 approved May 19, 1945, entitled an Act: "To fix the compensation or salary to be paid the Clerk of the Circuit Court of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Houston County, Alabama, and to require said Clerk of the Circuit Court to collect all fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Houston County, provided, however, that all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatever source, except fees, allowances, legal charges, costs and compensation payable to him as such clerk, shall be retained in the hands of said clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said clerk of the Circuit Court of Houston County and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Houston County, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants and to provide the punishment therefor, and to prescribe when this Act shall go into effect," be and the same is hereby amended so as to read as follows: Section 1. That the salary or compensation of the Clerk of the Circuit Court of Houston County, Alabama, shall be four thousand six hundred (\$4600.00) dollars per year, which said annual salary or compensation shall be paid out of the County Treasury of Houston County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner

as employees of Houston County are paid. Provided, that if the same person holds the offices of the Clerk of the Circuit Court of Houston County, Alabama, and Register in Chancery, the salary for both offices shall be six thousand (\$6000.00) dollars per annum net.

Section 2. That Section 3 of Act No. 14 approved May 19, 1945 as amended by Act No. 192 approved July 6, 1949, entitled an Act: "To fix the compensation or salary to be paid the Clerk of the Circuit Court of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Clerk of the Circuit Court of Houston County, Alabama, and to require said Clerk of the Circuit Court to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Houston County, provided, however, that all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatsoever source except fees, allowances, legal charges, costs and compensation payable to him as such clerk, shall be retained in the hands of said clerk to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Clerk of the Circuit Court of Houston County and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Clerk of the Circuit Court of Houston County, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows: Section 3: The Board of Revenue or like governing body of Houston County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Clerk of the Circuit Court of Houston County, but the said Clerk of the Circuit Court shall select such clerks, deputies and assistants and shall fix their compensation, subject to the approval of the said Board of Revenue or other like governing body of Houston County, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not be less than eighteen hundred (\$1800) dollars nor more than twenty five hundred twenty (\$2520) dollars per annum, and such further extra clerks, deputies and assistants as may be necessary, but whose combined salaries shall not exceed the sum of five hundred (\$500) dollars per annum. No new clerk, deputy or assistant shall be employed at a salary greater than the minimum provided herein, unless said clerk, deputy or assistant has had three years or more experience in the same office. No new clerk, deputy or assistant

shall receive more than one increase during any six month period, and said increase shall not be made in any greater amount than twelve and 50/100 (\$12.50) dollars per month during any six months period. All increases are subject to approval of the said Board of Revenue or like governing body of Houston County. The said Clerk of the Circuit Court shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Houston County, upon separate warrants drawn in the same manner as other employees of Houston County are paid.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. This Act shall become effective upon its passage and approval by the Governor.

Approved June 29, 1951.

Time: 6:20 P. M.

Act No. 159

H. 499—Malone (of Houston)

AN ACT

To amend Section 1 of Act No. 12 approved May 19, 1945 and to amend Section 3 of the same Act as amended by Act No. 193 approved July 6, 1949, entitled an Act: "To fix the compensation or salary to be paid the Tax Assessor of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants, and other expenses in said office of the Tax Assessor of Houston County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay the same into the county treasury of Houston County; to provide for the payment of the salary or compensation of said Tax Assessor of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 12 approved May 19, 1945 entitled an Act: "To fix the compensation or salary to be paid the Tax Assessor of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants, and other expenses in said office of the Tax Assessor of Houston County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay the same into the county treasury of Houston

County; to provide for the payment of the salary or compensation of said Tax Assessor of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows: Section 1. That the salary or compensation of the Tax Assessor of Houston County, Alabama, shall be Forty Six Hundred (\$4600) Dollars per year, and the said Forty Six Hundred (\$4600) Dollars annual salary or compensation shall be paid out of the county treasury of Houston County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Houston County are paid.

Section 2. That Section 3 of Act No. 12 approved May 19, 1945 as amended by Act No. 193 approved July 6, 1949, entitled an Act: "To fix the compensation or salary to be paid the Tax Assessor of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants, and other expenses in said office of the Tax Assessor of Houston County, Alabama, and to require said Tax Assessor to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him and to pay the same into the county treasury of Houston County; to provide for the payment of the salary or compensation of said Tax Assessor of Houston County, and the clerks, deputies and other clerical assistants and other office expenses out of the funds of Houston County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of said Tax Assessor, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows: Section 3. The Board of Revenue, or like governing body, of Houston County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Assessor, but the Tax Assessor shall select such clerks, deputies and assistants and the number and salaries of said clerks, deputies and other assistants shall be as follows: One Chief Clerk selected by him shall not be less than Eighteen Hundred (\$1800) Dollars nor more than Twenty Four Hundred (\$2400) Dollars per annum and such further extra clerks, deputies and other assistants as may be necessary but whose combined salaries shall not exceed the sum of Twelve Hundred (\$1200) Dollars per annum. No new clerk, deputy or assistant

shall be employed at a salary greater than the minimum provided herein. Any increase in salaries of a new clerk, deputy or assistant shall not be made in any greater amount than twelve and 50/100 (\$12.50) dollars per month, during any six months period. All increases are subject to approval of the said Board of Revenue or like governing body of Houston County. The said Tax Assessor shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Houston County, upon separate warrants drawn in the same manner as other employees of Houston County are paid.

Section 3. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. This Act shall become effective immediately upon the approval thereof by the Governor.

Approved June 29, 1951.

Time: 6:20 P. M.

Act No. 160

H. 500—Malone (Houston)

AN ACT

To amend Section 1 of Act No. 11 approved May 19, 1945 as amended by Act No. 274 approved August 8, 1947, entitled an Act: "To fix the compensation, salaries and allowances to be paid the Sheriff of Houston County, Alabama, to regulate the office of said Sheriff and to provide for deputies and other assistants to said Sheriff and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize additional deputies in an emergency and upon the request of the Sheriff and to fix their compensation and to provide for the payment of premiums of the bonds of the Sheriff and deputies and to authorize and empower and require the Board of Revenue of Houston County, or other body of like jurisdiction to provide and furnish the said Sheriff with necessary quarters, books, stationery, and other necessities and conveniences to said Sheriff of Houston County, to prohibit rebates of compensation allowed for deputies, clerical assistants and other expenses in said office and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 11 approved May 19, 1945 as amended by Act No. 274 approved August 8, 1947, entitled an Act: "To fix the compensation, salaries and allowances to be paid the Sheriff of Houston County, Alabama, to regulate the office of said Sheriff and to provide for deputies and other assistants to said Sheriff and the selection and appointment thereof, and the manner of fixing their compensation and to provide for paying the same, to provide for the Board of Revenue to authorize

additional deputies in an emergency and upon the request of the Sheriff and to fix their compensation, and to provide for the payment of premiums of the bonds of the Sheriff and deputies and to authorize and empower and require the Board of Revenue of Houston County, or other body of like jurisdiction to provide and furnish the said Sheriff with necessary quarters, books, stationery and other necessities and conveniences to said Sheriff of Houston County, to prohibit rebates of compensation allowed for deputies, clerical assistants and other expenses in said office and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows: Section 1. That the Sheriff of Houston County, Alabama, shall receive and be paid an annual salary of Fifty Four Hundred (\$5400) Dollars, in lieu of other compensation, fees and emoluments, except as otherwise hereinafter provided for in this Act. The said Sheriff shall be allowed the sum of Fifteen Thousand Six Hundred (\$15,600) Dollars per annum for help and assistants as follows: one chief deputy at Three Thousand (\$3000) Dollars per annum; two deputies at Twenty Four Hundred (\$2400) Dollars per annum; three deputies who shall also serve as jailors at Eighteen Hundred (\$1800) Dollars each per annum; and one bookkeeper-deputy at Twenty Four Hundred (\$2400) Dollars per annum. The Sheriff of Houston County shall further be allowed his necessary expenses in apprehending and returning prisoners from other States, up to and including four hundred (\$400) dollars per annum, said expense money to be paid on requisition filed with and approved by the Board of Revenue of Houston County, Alabama. All payments as provided for in this Act shall be paid out of the general funds of Houston County, in equal monthly installments at the end of each month, upon separate warrants drawn in the same manner as employees of Houston County are paid. The selection and appointment of said deputies, jailors and bookkeeper shall be made by the Sheriff of Houston County, and they shall serve only at his pleasure.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor.

Approved June 29, 1951.

Time: 7:07 P. M.

Act No. 161

H. 501—Malone (Houston)

AN ACT

To amend Section 1 of Act No. 15 approved May 19, 1945, and to amend Section 3 of the same Act as amended by Act No. 97 approved June 17, 1949, entitled an Act: "To fix the compensation or salary to be

paid the Register in Chancery of Houston County, Alabama, and to regulate the payment of same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Register in Chancery of Houston County, Alabama, and to require said Register in Chancery to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Houston County, providing, however, that all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Register in Chancery to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Register in Chancery of Houston County, Alabama, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Register in Chancery of Houston County, Alabama, to prohibit rebates of compensation allowed for clerks, deputies, and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 15 approved May 19, 1945, entitled an Act: "To fix the compensation or salary to be paid the Register in Chancery of Houston County, Alabama, and to regulate the payment of the same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Register in Chancery of Houston County, Alabama, and to require said Register in Chancery to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Houston County, providing, however, that all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Register in Chancery to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Register in Chancery of Houston County, Alabama, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Register in Chancery of Houston County, Alabama, to prohibit rebates of compensation allowed for clerks, deputies, and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect" be and the same is hereby amended so as to read as follows: Section 1. That the salary or compensation of the Register in Chancery of Houston County, Alabama, shall be Three Thousand (\$3000.00) Dollars per year, which said Three Thousand (\$3000.00) Dollars, Annual salary or Compensation shall be paid out of the County Treasury of Houston County, in equal monthly installments, at the end of each month, upon warrants drawn in the same manner as employees of Houston County are paid.

Section 2. That Section 3 of Act No. 15 approved May 19, 1945, as amended by Act No. 97 approved June 17, 1949, entitled an Act: "To fix the compensation or salary to be paid the Register in Chancery of Houston County, Alabama, and to regulate the payment of same; to provide for compensation of clerks, deputies, clerical assistants and other expenses in said office of the Register in Chancery of Houston County, Alabama, and to require said Register in Chancery to collect all the fees, compensation and allowances heretofore or hereafter authorized to be collected by him, and to pay same into the County Treasury of Houston County, providing, however, that all witness fees, judgments and amounts collected by him in civil and criminal cases, from whatsoever source, except fees, allowances, legal charges, costs and compensation payable to him as such Register in Chancery to be paid out and disbursed by him to proper persons or parties in the manner now or hereafter required by law; to provide for the payment of the salary or compensation of said Register in Chancery of Houston County, Alabama, and to provide rules and regulations for the conducting and operation of such office made necessary by changing the method and basis of compensation of such Register in Chancery of Houston County, Alabama, to prohibit rebates of compensation allowed for clerks, deputies, and clerical assistants and to provide the punishment therefor, and to prescribe when this act shall go into effect" be and the same is hereby amended so as to read as follows: Section 3. The Board of Revenue, or like governing body, of Houston County, Alabama, is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Register in Chancery of Houston County, but the said Register in Chancery of Houston County shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies and assistants selected by him shall not exceed Twenty One Hundred (\$2100.00) Dollars per annum. The said Register in Chancery shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Houston County, upon separate warrants drawn in the same manner as other employees of Houston County are paid.

Section 3. That all laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 4. That this act shall be effective upon its passage and approval by the Governor.

Approved June 29, 1951.
Time: 6:55 P. M.

Act No. 162

H. 502—Malone (Houston)

AN ACT

To amend Section 3 of Act No. 10 approved May 19, 1945 as amended by Act No. 216 approved July 12, 1949, entitled an Act: "To fix the compensation or salary to be paid the Judge of Probate of Houston County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Houston County, Alabama, and to require said Judge of Probate to collect all the fees, compensation, and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Houston County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Houston County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants, and to provide the punishment therefor, and to prescribe when this act shall go into effect."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of Act No. 10 approved May 19, 1945 as amended by Act No. 216 approved July 12, 1949, entitled an act: "To fix the compensation or salary to be paid the Judge of Probate of Houston County, Alabama, and to regulate the payment of the same; to provide for the compensation of clerks, deputies, clerical assistants and other expenses in the Probate Office of Houston County, Alabama, and to require said Judge of Probate to collect all the fees, compensation, and allowances heretofore or hereafter collected by said Judge of Probate, and to pay same into the County Treasury of Houston County; to provide for the payment of the salary or compensation of said Judge of Probate and the clerks, deputies and other clerical assistants, and other office expenses, out of the funds of Houston County, and to provide rules and regulations for the management and operation of such office made necessary by changing the method and basis of compensation of such Judge of Probate, to prohibit rebates of compensation allowed for clerks, deputies and clerical assistants, and to provide the punishment therefor, and to prescribe when this act shall go into effect," be and the same is hereby amended so as to read as follows: Section 3. The Board of Revenue or like governing body is required, authorized and empowered to provide sufficient clerks, deputies and other assistants to the said Judge of Probate, but the said Judge of Probate shall select said Clerks, deputies and other assistants and the number and salaries of said clerks, deputies and other assistants shall be as follows: One Chief Clerk selected by him shall not be less than three thousand (\$3000.00) dollars nor more than thirty six hundred (\$3600.00) dollars per annum; Four clerks selected by him shall not be less than eighteen hundred (\$1800.00) dollars nor more than twenty four hundred (\$2400.00) dollars per annum; and such further extra clerks, deputies and

other assistants as may be necessary but whose combined salaries shall not exceed the sum of twelve hundred (\$1200.00) dollars per annum. No new clerk, deputy or assistant shall be employed at a salary greater than the minimum provided herein. Any increases in salaries of a new clerk, deputy or assistant shall not be made in any greater amount than twelve and 50/100 (\$12.50) dollars per month during any six months period. All increases are subject to approval of the said Board of Revenue or like governing body of Houston County. The said Judge of Probate shall have the right to discharge said clerks, deputies and assistants at will, and the salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Houston County upon separate warrants drawn in the same manner as other employees of Houston County are paid.

Section 2. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon the approval thereof by the Governor.

Approved June 29, 1951.

Time: 6:57 P. M.

Act No. 163

H. 525—Malone (Houston)

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Dothan, Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Dothan, Houston County, Alabama, be and the same are hereby extended, altered and re-arranged so as to include within the corporate limits of said City all of the following described territory: $S\frac{1}{2}$ of the $SW\frac{1}{4}$, and the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of Section 30, Township 3 North, Range 27 East; Also the $NW\frac{1}{4}$, and the $W\frac{1}{2}$ of the $NE\frac{1}{4}$, and the $N\frac{1}{2}$ of the $SW\frac{1}{4}$, and the $NW\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 31, Township 3 North, Range 27 East; Also the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 25, Township 3 North, Range 26 East; Also the $NE\frac{1}{4}$, and the $N\frac{1}{2}$ of the $SE\frac{1}{4}$, and the $N\frac{1}{2}$ of the $SW\frac{1}{4}$, and the $S\frac{1}{2}$ of the $NW\frac{1}{4}$, and the $NE\frac{1}{4}$ of $NW\frac{1}{4}$, of Section 36, Township 3 North, Range 26 East; Also the $NE\frac{1}{4}$ of the $SE\frac{1}{4}$, and the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 35, Township 3 North, Range 26 East; Also the $SE\frac{1}{4}$ of the $SE\frac{1}{4}$ of Section 26, Township 3 North, Range 26 East; Also the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 22, Township 3 North, Range 26 East; Also the $W\frac{1}{2}$ of the $NW\frac{1}{4}$, and the $W\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 15, Township 3 North, Range 26 East; Also the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of the

NE $\frac{1}{4}$ of Section 16, Township 3 North, Range 26 East; all in Houston County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 7:01 P. M.

Act No. 164

H. 526—Malone (Houston)

AN ACT

Relating to Houston County: To further amend Act No. 315, S. 293, approved August 13, 1947, (Local Acts of Alabama 1947, page 226) entitled "An Act to create and establish in Houston County, in lieu of the county court, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and in equity, providing it with officers, regulating its procedure, and fixing the costs and charges collectible therein".

Be It Enacted by the Legislature of Alabama:

Subsections (d) and (g) of Section 3 of Act No. 315, S. 293, approved August 13, 1947, (Local Acts of Alabama, page 226) entitled "An Act to create and establish in Houston County, in lieu of the county court, a court of record with county-wide limited jurisdiction of criminal cases and civil actions at law and in equity, providing it with officers, regulating its procedure, and fixing the costs and charges collectible therein" be and same are hereby amended to read as follows:

"Section 3. (d) The judge shall receive an annual salary of fifty-three hundred dollars (\$5,300), payable out of the general fund of the county in equal monthly installments as the salaries of other county officers are paid. In addition to his salary, the judge shall receive an annual allowance of nine hundred dollars (\$900) for secretarial assistance, which allowance shall be paid in equal monthly installments from the general funds of the county at the times his salary is paid . . . (g) In the event the judge is disqualified or unable to act or is temporarily absent from Houston County, a special judge shall be appointed as provided in Section 160 of the Constitution and Section 124 of Title 13 of the 1940 Code. Such special judge shall be paid out of the general funds of the County the sum of twenty-five dollars (\$25.00) for each day he is called upon to serve during a regular session held pursuant to orders of the Court duly spread upon the minutes of the Court.

Be It Further Enacted by the Legislature of Alabama:

That all laws in conflict with this Act are repealed to the extent of the conflict.

Be It Further Enacted by the Legislature of Alabama:

That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 7:05 P. M.

Act No. 165

H. 30—White (of Cullman)

AN ACT

To provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 47,000 nor more than 51,000 according to the most recent federal census, making the Act retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than 47,000 nor more than 51,000 inhabitants, according to the most recent federal census, the governing bodies of such counties shall provide an additional clerk for the tax collector and an additional clerk for the tax assessor. These clerks shall be appointed by the tax collector and the tax assessor, respectively, and each shall be paid a salary of one thousand eight hundred dollars (\$1,800) per annum out of any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, and shall have retroactive effect to May 1, 1951.

Approved June 29, 1951.

Time: 6:08 P. M.

Act No. 166

H. 439—White (Cullman)

AN ACT

To prescribe the salary in the manner of payments of the same, to the additional deputy sheriff of Cullman County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the salary of the official deputy sheriff now existing in Cullman County, Alabama, shall be the sum of Two thousand, four hundred dollars (2,400.00) per annum to be paid in equal monthly installments out of the general funds of said County, upon the Warrant of the Board of Revenue or other governing bodies of said County.

Section 2. That all laws and partial laws in conflict herewith are hereby expressly repealed in this act to be in force and effect from and after its approval by the governor.

Approved June 29, 1951.

Time: 5:40 P. M.

Act No. 167

H. 450—Roberson

AN ACT

To authorize the sheriff of Lawrence County to employ a clerk, and fixing the compensation of such clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Lawrence County is authorized to employ a clerk to perform the clerical duties of his office. The clerk shall receive a salary of \$1800 per annum to be paid out of the county treasury in the manner that salaries of other county employees are paid.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:16 P. M.

Act No. 168

H. 451—Roberson

AN ACT

To amend Section 1 of Act No. 86, H. 346, approved July 7, 1947 (Local Acts of Alabama, 1947, page 62), which provides an automobile allowance to the sheriff of Lawrence County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 86, H. 346, approved July 7, 1947 (Local Acts of Alabama, 1947, page 62) is amended to read: "The Court of County Revenues or Board of Revenue or other like governing body of Lawrence County, Alabama is hereby authorized, required and directed to pay to the sheriff of Lawrence County, Alabama a sum not in excess of \$125.00 Dollars per month to be used for the maintenance, upkeep, operation and repair of an automobile used in the performance of his official duties as sheriff, that said sum of money shall be paid on the first day of each month, upon the filing of a written itemized statement or requisition by the sheriff with said Court, and it shall thereupon be the duty of said Court to order a warrant drawn upon the General Funds of said County payable to said sheriff for the amount of one months allowance as herein provided."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:26 P. M.

Act No. 169

H. 457—Dodd

AN ACT

Relating to Winston County: To amend Act No. 158, S. 166, approved July 21, 1927, entitled "An Act To allow the Sheriff of Winston County an additional deputy sheriff to that as now provided by law, and fix his salary, and make it payable out of the general funds of the county in monthly installments, said deputy to be located at Haleyville, Alabama," (Local Acts, 1927, p. 69).

Be It Enacted by the Legislature of Alabama:

Section 1 of Act No. 158, S. 166, approved July 21, 1927, entitled, "An Act To allow the Sheriff of Winston County an additional deputy sheriff to that as now provided by law, and fix his salary, and make it payable out of the general funds of the county in monthly installments, said deputy to be located at Haleyville, Alabama," (Local Acts, 1927, p. 69), is hereby amended to read as follows: "That the sheriff of Winston County is hereby allowed an additional deputy to the one now provided by law which said deputy shall be located at Haleyville, and shall receive a salary of twenty-four hundred dollars (\$2,400) per annum, to be paid in twelve equal monthly installments out of the general fund of said Winston County, and such deputy shall be eligible to perform duties anywhere in said County."

Approved June 29, 1951.

Time: 5:30 P. M.

Act No. 170

H. 482—Edgar

AN ACT

To authorize the governing body of Choctaw County to provide from the county general fund for payment of, and to fix, the salary of an additional deputy sheriff, to be appointed by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Choctaw County is hereby authorized to provide from the county general fund for payment of, and to fix, the salary of an additional deputy sheriff, to be appointed by the sheriff. The salary of such deputy may not exceed two thousand four hundred dollars (\$2,400.00) per annum.

Section 2. This Act shall take effect immediately upon its

passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:40 P. M.

Act No. 171

H. 514—Simpson

AN ACT

To prescribe the duties of the Deputy Solicitor of Fayette County; to impose additional duties on such solicitor; to fix his compensation; and to provide for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That it shall be the duty of the Deputy Solicitor of Fayette County, Alabama, in addition to all duties now or hereafter imposed upon said officer by law, to attend, on behalf of the State, all applications for bail and habeas corpus proceedings in all courts of Fayette County; to assist in all criminal prosecutions before the Circuit Court of said county; to assist in investigations of all felonies committed within said county, when requested by the sheriff or coroner; to assist both the Juvenile Court and Circuit Court of said county when called upon by the court, in all cases concerning the custody, welfare, dependency, neglect or delinquency of minors, desertion and non-support, and all cases arising under the welfare laws of the state, and to prepare such orders and decrees in such cases as may be directed by the judges of either of said courts.

Section 2. The salary of the Deputy Solicitor of Fayette County shall be \$2400.00 per year to be paid in twelve equal monthly installments in the same manner as other county officers are paid.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:33 P. M.

Act No. 172

H. 515—Simpson

AN ACT

Relating to Fayette County and the courts therein: To regulate further the County Court of Fayette County; to define its jurisdiction and powers; to provide for a judge of the court and for his election, and to prescribe his term of office, powers, jurisdiction, duties and compensation; to provide that the Circuit Clerk shall be, ex officio, clerk of the County Court; to make the court a court of record, and to provide that

the Court shall be open at all times for the trial of cases and the transaction of business; and to prescribe rules and procedure for said court.

Be It Enacted by the Legislature of Alabama:

Section 1. The judge of the County Court of Fayette County, Alabama, shall be a person learned in the law who has been admitted to practice law in the State of Alabama, and he shall be a qualified elector of said County.

Section 2. At the general election in 1952, and every six years thereafter, the judge of the county court shall be elected by the qualified voters of Fayette County, and the judge so elected shall hold office for the term of said years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The judge of the county court before entering upon the duties of said office shall take the oath required by law to be taken by judges of the circuit courts of Alabama. He shall receive an annual salary of twenty-four hundred dollars, payable in twelve equal installments, from the general fund of the county. The Governor shall, upon the passage of this Act, appoint a qualified person to serve as judge of the court until the first Monday after the second Tuesday in January, 1953, and until his successor is elected and qualified as herein provided.

Section 3. The judge of the county court shall not practice as an attorney in any criminal case in any court in the State or of the United States.

Section 4. It shall be the duty of the judge of the court to remain on duty at the county seat at all times for the convenience of and transaction of business for the public. For the convenience of the public it is expressly required by this Act that the judge of the county court shall during his term of office at all times have his permanent residence at, and live at, the county seat of Fayette County. Failure to comply with this section shall constitute a vacation of his office.

Section 5. The judge of the county court shall call the docket for the trial of criminal cases in the court on the first and third Mondays of each month, and he shall call the docket for the trial of civil cases in the court on the first and third Tuesdays of each month, except when the circuit court of the county is in session.

Section 6. In addition to the jurisdiction and powers already possessed, the county court shall have county-wide and concurrent jurisdiction with the justices of the peace in said county in all civil matters. And when exercising the jurisdiction of justices of the peace in civil proceedings the judge of the county court shall follow the same procedure as followed by justices of the peace.

Section 6 (a). The Sheriff of the county shall execute all pro-

cesses, civil or criminal, arising in said court, and shall receive fees therefor as provided by the general laws.

Section 6 (b). Witnesses in attendance on the trial of civil cases in the court shall receive the same pay as is allowed in courts of justice of the peace, to be paid in the same manner as witnesses in courts of justice of the peace are paid.

Section 6 (c). The Clerk of the Circuit Court of Fayette County shall be, ex officio, Clerk of the County Court and shall collect and receive all costs, fines, and forfeitures. The Clerk shall receive the same fees as are now allowed by law for similar services performed in the circuit court. The fees taxed for services performed by the judge shall belong to the county; fees taxed for services of other officers shall be paid to the officers by whom the services are performed. The fees of witnesses and of the Clerk and sheriff in cases where no conviction is had shall be governed by the provisions of law applying to similar services in the Circuit Court or in preliminary proceedings.

Section 7. Right of appeal from judgments of the county court shall be the same in civil cases as is now provided by law for appeals from judgments of justices of the peace; and the law relating to appeals and certioraris from courts of justices of the peace in civil matters shall apply to appeals and certioraris from the county court.

Section 8. The judge of the county court shall have jurisdiction in habeas corpus proceedings to the same extent that probate judges and justices of the peace now have; he shall have jurisdiction of bastardy proceedings and of matters involving the custody of children; he shall have the same power and authority to admit to bail that is by law conferred on circuit judges and probate judges; and he shall have the same powers and authority that are now, or may hereafter by law be, conferred on the judges of the county courts of this State. In addition to his other duties, he shall, with respect to the issuance of attachments, perform the duties imposed and exercise the authority conferred upon judges of probate by Article 1 of Chapter 20 of Title 7 of the 1940 Code of Alabama.

Section 9. All the jurisdiction, powers and duties now conferred or imposed upon probate courts of Alabama, or the judges thereof, respectively, by the several provisions of Chapter 7 of Title 13 of the 1940 Code of Alabama, or by any other law of the State relating generally to juvenile delinquents, probation officers, wards of the State and dependent children are hereby conferred and imposed upon the county court of the county, or the judge thereof, respectively, the same as they are now or may hereafter be conferred upon the several probate courts of Alabama, or the judges thereof respectively.

Section 10. All the jurisdiction, powers and duties now con-

ferred or imposed upon the probate courts of Alabama or the judges thereof by the respective provisions of Article 3 of Chapter 4 of Title 34 of the 1940 Code of Alabama, or by any law relating to the duties of a husband to his wife or by parents to their children, are hereby imposed upon the county court of the county, or the judge thereof, respectively; the same as they are now, or may hereafter be, conferred or imposed upon the probate courts of the State or the judges thereof, respectively.

Section 11. Hereafter the Probate Court of Fayette County, and the judge thereof, shall be relieved of all jurisdiction, powers and duties which are by this Act conferred or imposed upon the county court of the county, or the judge thereof; and such jurisdiction, powers and duties shall not hereafter be performed by the probate court, or the judge thereof.

Section 12. Vacancies in the office of judge of the court shall be filled by appointment of the Governor for the unexpired term.

Section 13. The court of county commissioners or other governing body of the county shall provide the judge of the county court with all necessary dockets, stationery and supplies needed for transacting the business of the court, together with an office in the Court House or other building in the county seat.

Section 14. The county court shall be a court of record, but no papers or other process in civil proceedings shall be recorded by final record. The court shall be open at all times for the transaction of business.

Section 15. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:33 P. M.

Act No. 173

S. 18—High, Clayton, Foster, Robison, Eddins

AN ACT

To regulate the operation of livestock markets in Alabama by requiring all such livestock markets to have a permit or license issued by the Commissioner of Agriculture and Industries and to be bonded for the payment of their obligations; to prescribe the manner in which said permit or license may be applied for and to authorize the revocation or cancellation of such license under certain conditions together with the amount of the permit or license fee; to require livestock markets to maintain certain physical standards of construction for safe and sanitary keeping and handling of livestock and to prevent the spread of diseases among livestock; to require livestock markets to keep records of sales and furnish bills of sales to buyers; to authorize the Commissioner of

Agriculture and Industries, with the approval of the State Board of Agriculture and Industries to promulgate rules and regulations for carrying out the provisions of this Act; to require livestock markets to carry fire and windstorm insurance and providing a penalty for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITION OF TERMS:—For the purpose of this Act, the following words and phrases shall have the meaning indicated, unless the context clearly indicates a different meaning: (a) "Commissioner", means the Commissioner of Agriculture and Industries of the State of Alabama. (b) "Board" means the Board of Agriculture and Industries of the State of Alabama. (c) "Person", means any individual, partnership, corporation or association. (d) "Department" means the Department of Agriculture and Industries, of the State of Alabama. (e) "Livestock" means cattle, swine, sheep and goats. (f) "Livestock Market" means a place where a person shall assemble livestock for either private or public sale by him and such service is to be compensated for by the owner, on a commission basis or otherwise, or where such person purchases livestock for re-sale, except: (1) Any place, other than at a permanently established livestock market used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business and no other livestock is there sold or offered for sale; (2) Any farm, ranch, or place where livestock either raised or kept thereon for the grazing season or for fattening is sold, and no other livestock is brought there for sale or offered for sale; (3) The premises of any butcher, packer, or processor who received animals exclusively for immediate slaughter; (4) The premises of any person engaged in the raising of livestock for breeding purposes only, who limits his or its sale to animals of his or its own production; (5) Any place where a breeder or an association of breeders of livestock of any class assemble and offer for sale and sell under his or their own management any livestock, when such breeder or association of breeders shall assume all responsibility of such sale and the title of livestock sold. (6) Any place, other than at a permanently established livestock market used solely for livestock sales of 4-H Clubs, Future Farmers of America and other Youth organizations of like kind.

Section 2. No person shall operate a livestock market in the State of Alabama without first having obtained from the Commissioner, under the provisions of this Act, a permit or license therefor. The applicant shall make application to the Commissioner upon forms furnished by the Department which shall be verified by affidavit of the applicant and such application shall include the following information: (1) The name and address of the applicant or applicants, and, if a corporation, its officers. (2) The place where applicant proposes to operate a livestock market. (3) A description of the property and facilities proposed to

be used in connection with such livestock market. (4) The kind of livestock the applicant proposes to handle at the livestock market. (5) A financial statement of the applicant showing the gross amount of business done by applicant during the preceding year and such statement shall show applicant's assets and liabilities. (6) Such other pertinent information as the Commissioner may require. A permit or license shall issue when the Commissioner finds: (1) That the application is in due form. (2) Applicant has filed with the Commissioner a bond, as hereinafter provided. (3) That the permit or license fee has been paid, as hereinafter provided. (4) When the Commissioner finds that the requirements of this Act and all rules and regulations promulgated under the provisions of this Act have been complied with. The permit or license issued hereunder shall be revoked when the Commissioner finds that the livestock market is not complying with the provisions of this Act, or rules and regulations duly promulgated hereunder. Any livestock market refused or denied a permit or license provided for herein or any livestock market having its license revoked or canceled by the Commissioner shall be entitled to appeal such action of the Commissioner to the Board by filing a written notice or demand therefor with the Commissioner within ten (10) days after notice of denial or revocation of a permit or license has been received by the livestock market, which appeal must be heard by the Board at the next regular meeting or a special meeting called for this purpose, provided such appeal must be heard by the Board on a date not later than thirty (30) days following the date on which an appeal is filed. The filing of an appeal shall not suspend the action of the Commissioner in the revocation or cancellation of a permit or license. The action of the Board in refusing to grant, or in revoking any permit, may be reviewed by the Circuit Court of the County in which the livestock market is located, upon a petition being filed in said Circuit Court, in equity, accompanied by a bond to be approved by the register, within fifteen (15) days after notice to the applicant or licensee of the Board's decision. Such petition shall be styled in the name of applicant or licensee as complainant against the Commissioner, as respondent, and shall set forth the action complained of and pray its reversal. It shall be the duty of the Commissioner to enter his appearance within fifteen (15) days after said petition is served upon him. The cause shall be heard de novo by the court and it shall be determined from the evidence whether the refusal or revocation of the license is, or is not, justified under the provisions of this Act, and decision shall be accordingly rendered, subject to the right of appeal, which shall lie as in other civil cases, which decision shall be binding upon the parties. All appeal rights provided herein shall not suspend the action of the Commissioner in the revocation or refusal of a license.

Section 3. Every person operating a livestock market in this State shall be required to pay annually, on or before October 1,

a permit or license fee of not less than \$50.00, nor more than \$250.00. The exact amount of such annual permit or license fee for livestock markets whose annual gross business during the preceding year totaled:

\$250,000 or less shall be \$50.00; more than \$250,000 but less than \$500,000, \$100.00; more than \$500,000 but less than \$1,000,000, \$150.00; more than \$1,000,000 but less than \$2,500,000, \$200.00, and over \$2,500,000, a license fee of \$250.00. Provided the amount of permit or license fee for livestock markets which are beginning operations shall be the minimum of \$50.00. Provided that all such livestock markets owned by and operated for the benefit of a local American Legion or VFW post shall be exempt from the payment of this license. All license fees due hereunder shall be delinquent thirty (30) days from the date on which such license fee was due and a delinquent penalty of 15% shall be added to the amount of the license or permit fee. All fees collected hereunder shall be deposited in the State Treasury to the credit of the Agriculture Fund. The permit or license fee levied hereunder shall be paid by all agricultural cooperative marketing associations operating livestock markets and the exemptions allowed such agricultural cooperative marketing associations pursuant to Title 2, Section 129, Code of Alabama 1940, or any other exemption statute shall not relieve such cooperative associations from the payment of the license or permit fee levied by the provisions of this section.

Section 4. Any person operating a livestock market in this State shall make and execute a bond in favor of the State of Alabama which bond shall be made by a surety company qualified to do business in the State of Alabama, and such bond shall be filed in the office of the Commissioner. The minimum amount of such bond shall be \$5,000.00 or such greater sum not to exceed \$50,000.00. The exact amount of said bond shall be determined by dividing the gross amount of business done by such livestock market during the preceding twelve (12) months, or such part thereof, as the livestock market was engaged in business, by the number of days on which sales were made, and such bond shall be not less than the nearest multiple of one thousand dollars. Any bond accepted under the provisions of this Section shall be not less than \$5,000.00 nor more than \$50,000.00. In the event the livestock market has not engaged in business during the year preceding the date of its application for a permit or license the amount of the bond shall be determined by the Commissioner upon the basis of anticipated business to be done during the year for which a license or permit is applied. That is to say, the Commissioner shall require a bond in an amount to be arrived at by dividing the gross amount of anticipated business by the number of days on which sales are to be held during the year for which the license is applied. Such bond shall be conditioned that the livestock market named therein as principal, shall, upon the sale

of any livestock, promptly pay to the rightful owners all money received by it, less reasonable expenses and commissions. Any person having a right of action against the livestock market named as principal in such bond may bring suit in his own name against the principal and surety of such bond for the recovery of any loss sustained by the owner of livestock for the violation of the conditions of said bond, provided, however, that the aggregate liability of the surety for all such losses shall in no event exceed the amount of said bond. The Commissioner is hereby authorized to accept a bond made by any livestock market pursuant to the bonding provisions of the Federal Packers and Stockyard Act of 1921, as amended, and any livestock market presenting such a bond shall be deemed to have complied with the bonding provisions of this section, provided the amount of such bond equals or is greater than the amount required hereunder.

Section 5. Every livestock market operating under this Act shall have proper facilities for handling livestock, which shall include proper pens for holding and segregating animals, properly protected from the weather; an adequate sanitary water supply; satisfactory scales, such scales to be approved by the Division of Weights and Measures, Alabama Department of Agriculture and Industries. Equipment must include a standard cattle dipping vat, or power spraying equipment to be approved by the Commissioner, and concrete-floored pens for holding cattle to be sprayed, and quarantine pens for segregating animals that might be affected with a contagious or infectious disease. Necessary chutes for handling cattle must be provided. If swine are handled, concrete or other impervious floored pens and necessary facilities for vaccinating hogs must be provided. Necessary holding pens and facilities approved by the Commissioner for dipping, or spraying, hogs after the administration of serum, or serum and virus, must be provided. Livestock markets shall also be required to have equipment and to comply with such other minimum standards of construction as may be required by rules and regulations promulgated by the Commissioner, with the approval of the Board. The Commissioner, with the approval of the Board is also authorized to promulgate such rules and regulations pertaining to the operation of livestock markets as may be reasonably necessary for the prevention, spread, eradication and control of contagious and infectious diseases among livestock which are received, kept, handled, sold and moved from livestock markets. Such regulations may require methods of receiving, keeping, handling, inspecting, testing, treating, dipping, vaccinating, inoculating, separating, segregating and quarantining livestock sold for stocker, feeder or breeding purposes, as well as methods of receiving, handling, keeping, selling and moving livestock for slaughter purposes.

Section 7. Every livestock market shall, upon the sale of any livestock issue a bill of sale in duplicate, and, thereupon, deliver

one copy of such bill of sale to the buyer and retain one on file for a period of at least twenty-four (24) months, in the office of the livestock market.

Section 8. The Commissioner, with the approval of the Board, shall require and is hereby authorized by appropriate rules and regulations to require such livestock market to carry insurance on all livestock accepted for sale in order that such livestock will be insured against injury or loss by fire or windstorm, while such livestock are kept at a livestock market.

Section 9. The Commissioner, with the approval of the Board, is hereby authorized to promulgate such rules and regulations as are reasonably necessary to carry out the evident intent and purposes of this Act. Before any rules and regulations which are authorized to be promulgated by the Commissioner, under the provisions of this Act, shall be approved by the Board, the Commissioner shall, at least ten (10) days before any such rule or regulation is submitted to the Board for approval, notify all livestock markets in the State of Alabama of the date on which such regulation is to be submitted to the Board for approval in order that livestock markets operators may appear and be heard concerning the adoption of all rules and regulations to be promulgated and approved under the provisions of this Act. Following promulgation and approval of all rules and regulations authorized under the provisions of this Act, and within thirty (30) days, the Commissioner shall give notice of such rules and regulations so promulgated and approved and such rules and regulations shall not become effective until the expiration of such thirty (30) day period.

Section 10. The Commissioner, the State Veterinarian, or their duly authorized agent, including livestock market inspectors of the Department, are authorized and may enter upon the premises of any livestock market or into any buildings on such premises at all reasonable hours for the purpose of examining and inspecting such premises, buildings or other structures located on such premises in enforcing the provisions of this Act, and the Commissioner, the State Veterinarian, or their duly authorized agents, including livestock markets inspectors, shall have access during business hours of the day to the books and records of livestock markets for examination and inspection in carrying out the provisions of this Act. Any person who shall assault, resist, impede, oppose, prevent or interfere with the Commissioner, the State Veterinarian, or their authorized agents, including livestock markets inspectors in the execution of his or their duties shall be guilty of a misdemeanor.

Section 11. It shall be unlawful for any person to operate a livestock market without obtaining a license as required under the provisions of this Act and it shall also be unlawful for any person to operate a livestock market after the license to so op-

erate has been revoked under the provisions of this Act. Each day's operation of a livestock market without a license shall constitute a separate violation. Any person operating a livestock market without a license shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$50.00, nor more than \$500.00, and, within the discretion of the Court may be imprisoned for a period not to exceed six (6) months. All amounts paid as fines for violations of this Act, when collected by the proper authorities, shall be transmitted to the Department and deposited in the State Treasury to the credit of the Agricultural Fund.

Section 12. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such a declaration shall not affect the part which remains.

Section 13. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 14. This Act shall become effective on October 1, 1951.

Approved June 29, 1951.

Time: 5:45 P. M.

Act No. 174

S. 99—McCary, Andrews

AN ACT

To amend Title 1, Section 14, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 1, Section 14, Code of Alabama 1940, be and the same is hereby amended to read as follows:

Section 14. Reclassification date.—The ninetieth day after the first day of the first regular legislative session held next after the publication by the federal government of the regular federal decennial population census for Alabama is hereby fixed as the date for any reclassification under any law requiring classification based on such said census. The provisions of the preceding sentence shall not apply to any law passed by the 1951 Regular Session of the Legislature of Alabama. The provisions of this section shall not apply to any law which provides for the levying or collection of license taxes on a population basis or the distribution of State and County collected or administered revenues or funds on a population basis; and the population as disclosed by any federal decennial census, as soon as the same is proclaimed, published or certified by the Director of the United States Census Bureau, shall be used in administering any such law.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 3. That this act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:05 P. M.

Act No. 175

S. 280—Larkins and Andrews

AN ACT

To provide for and authorize for any municipality in the State the incorporation of a Board, as a public corporation, for the purpose of owning, operating and financing a waterworks plant and system, a sanitary sewer system, a gas plant and system and an electric plant and system, or any one or more of such plants or systems, within and without the municipality authorizing the incorporation of such board and in any other municipality; to provide for the powers, authorities, and duties of such Board; to authorize such Board to purchase, construct, or acquire, own, maintain and operate a waterworks plant and system, a sanitary sewer system, a gas plant and system and an electric plant and system, or any one or more thereof, and all useful appurtenances, properties and franchises incident thereto; to authorize the amendment of the certificate of incorporation of such Boards and to authorize the amendment of the certificate of incorporation of any like board incorporated under the provisions of the Alabama Code of 1940, Title 37, Sections 394 to 402, or as amended, so as to bring such board within the provisions of this Act; to authorize each such Board to borrow money and issue revenue bonds, payable solely from the revenues derived from the operation of such plant or plants or system or systems, without regard to the system or systems with respect to which the money may be borrowed and the bonds issued; to authorize such Board to pledge all or any part of its revenue and income to the payment of such bonds; to regulate the issuance, sale, and refunding of such bonds and other matters in connection therewith; to provide for the use of the revenues of such system or systems; to provide for the use of the proceeds of such bonds; to provide that the property, income, bonds and interest thereon, of such Boards and conveyances, mortgages, and deeds of trust by and to such Boards shall be exempt from all taxation; to confer on such Boards the right of eminent domain; to provide for consolidating two or more systems owned by any such Board; to provide for the vesting of title of a plant and system in the municipality where they are located upon the payment in full of the bonds payable from the revenues of such system; to provide for the application and effect of Alabama Code of 1940, Title 37, Section 392 to 402, as amended, Title 48, Section 342 to 349 as amended, and Act No. 154, of the General Acts of 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. APPLICATION FOR AUTHORITY TO INCORPORATE; DEFINITIONS.—Whenever any number of natural persons, not less than three, shall file with the governing body of any municipality of this state an application in writing for authority to incorporate a public corporation for the purpose of operating a water system, a sewer system, a gas system, and an electric system or anyone or more of such systems, and if it shall be made to appear to such governing body that each of said persons is a duly qualified elector of and owner of property in said

municipality, and if the governing body of said municipality shall adopt a resolution, which shall be duly entered upon the minutes of such governing body, wherein it shall be declared that it is wise, expedient and necessary that such a corporation be formed, and that the persons filing said application shall be authorized to proceed to form such corporation, then said persons shall proceed to organize such a corporation by executing and filing for record, in the office of the judge of probate of the county or one or more of the counties in which such municipality is located, a certificate of incorporation as hereinabove provided. No corporation shall be formed hereunder unless the application provided for herein shall be made and unless the resolution herein provided for shall be adopted.

The term "water system" wherever used in this act, means a plant and system for the gathering, collecting or impounding of water and the distribution thereof for domestic or industrial use or both, or a plant or system for the purchase, transportation and/or distribution of water for domestic or industrial use or both, together with all appurtenances thereto and all property used or useful in connection therewith, including franchises. The term "sewer system," wherever used in this Act, means a sanitary sewer system, including mains, laterals, sewage disposal plants or sewage treatment plants, and all appurtenances to such system and all property used or useful in connection therewith, including franchises. The term "gas system", wherever used in this act, means a plant and system for the manufacture and distribution of gas or a system for the purchase, transportation and/or distribution of manufactured or natural gas, together with all appurtenances thereto and all property used or useful in connection therewith, including franchises. The term "electric system", wherever used in this act, means a plant and system for the generation, manufacture and distribution of electricity, or a system for the purchase, transportation and/or distribution of electricity, together with all appurtenances thereto and all property used or useful in connection therewith, including franchises. The term "system" wherever used in this act, means either a water system, or a sewer system, or a gas system or an electric system. The term "systems" wherever used in this act means more than one system.

Section 2. CERTIFICATE OF INCORPORATION AND AMENDMENT THEREOF.—The certificate of incorporation of any corporation organized under this act shall state: The name of the corporation, which shall be a name indicating the system or systems for the operation of which the corporation is organized (e.g., "The Waterworks and Electric Board of the City (or Town) of _____", or "The Utilities Board of the City (or Town) of _____"); the location of its principal office and the post office address thereof; the period for the duration of the corporation (if the duration is to be perpetual, this fact should be

stated); and the objects for which the corporation is organized. The certificate of incorporation may also contain any provisions not contrary to law which the incorporators may choose to insert for the regulation and conduct of the affairs of the corporation. The certificate of incorporation shall be acknowledged before an officer authorized by the laws of this State to take acknowledgment of deeds. When so acknowledged, the certificate shall be filed in the office of the judge of probate of the county or one of the counties in which such municipality is located, and said judge of probate shall forthwith file such certificate and record the same and thereupon the applicants shall constitute a corporation under the name stated in the certificate of incorporation. Any corporation organized under this act or under the Alabama Code of 1940, Title 37, Sections 394 to 402, or as amended, may at any time amend its certificate of incorporation so as to provide for the operation of a system or systems in addition to the system or systems for the operation of which the corporation was originally organized, and shall at the same time make any change in the name of the corporation which may be made appropriate by reason of any amendment respecting the objects for which the corporation is organized. Any such amendment may be effected in the following manner: The board of directors of the corporation shall adopt a resolution setting forth the proposed amendment, which shall include any proposed change in the name of such corporation. If the governing body of the municipality which authorized the incorporation of the corporation shall by resolution of its governing body consent to such proposed amendment, the chairman of the board of directors, or other chief executive officer of the corporation, and the secretary of the corporation shall then file in the office of the judge of probate of the county in which the certificate of incorporation of the corporation is filed, a certificate in the name of and in behalf of the corporation, under its seal, reciting the adoption of the said respective resolutions by the board of directors and by the said governing body, and setting forth the said proposed amendment. The proposed amendment shall become effective upon the filing of such certificate in the said office.

Section 3. BOARD OF DIRECTORS.—Each corporation formed or the certificate of incorporation of which is amended under this act shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of three members who shall serve without compensation, except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder, and, at the discretion of the board of directors, they may be paid a director's fee of \$10 for each director's meeting attended by them not exceeding one meeting during each calendar month. No member of the board of directors shall be an officer of the municipality. The directors of the corporation shall be elected

by the governing body of the municipality, and they shall be so elected that they shall hold office for staggered terms. The first term of office of one director shall be two years, of another director shall be four years, and of a third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years.

Section 4. POWERS OF CORPORATION. Each corporation formed or the certificate of incorporation of which is amended under this act shall have the following powers together with all powers incidental thereto or necessary to the discharge thereof in corporate form; to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation, or until dissolved as hereinafter provided; to sue and be sued and to defend suits against it; to make use of a corporate seal and to alter the same at pleasure; to acquire, purchase, construct, operate, maintain, enlarge, extend and improve any system or systems the operation of which is provided for in the certificate of incorporation of such corporation or in any amendment thereto (whether or not such system or systems were in existence and whether or not such system or systems were privately owned prior to acquisition by such corporation and whether such system or systems are located within or without or partly within and partly without, the limits of the municipality which authorized the organization of such corporation or within the limits of another municipality), and to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real, personal and mixed property of any nature whatsoever that its board of directors may deem a necessary or convenient part of such system or systems; to borrow money for any corporate function, use or purpose, and to issue in evidence of the borrowing interest bearing bonds payable solely from the revenues derived from the operation of any one or more of its systems (regardless of the system or systems for the benefit of or with respect to which such borrowing may be made); to pledge for payment of its bonds any revenues from which such bonds are made payable and to mortgage, pledge, or otherwise convey as security for such bonds the system or systems the revenues from which are so pledged; to transport and to sell at wholesale all or any part of its water, gas or electric supply to any other corporation organized, or the articles of incorporation of which are amended, under the provisions of this act or under the provisions of the Alabama Code of 1940, Title 37, Sections 394 to 402, or as amended, or to any municipality for distribution to the inhabitants thereof and the surrounding territory; to transfer and to distribute and to sell, to any one or more customers, water, gas and electricity and to furnish services from any system, the operation of which is provided for in its certificate of incorporation or in any amendment thereto, and to establish and collect and alter charges for water, gas,

electric and sewer services, and all services of any kind sold or furnished by it (provided that charges for services from any sewer system shall be established in such manner that there shall be no charge with respect to any portion of such sewer system that may have been paid for wholly or in part by assessments against the property specially benefitted thereby, but any person whose property is served in part by a portion of a sewer system so paid for and in part by a portion of a sewer system not so paid for may be charged an appropriate rate for the service rendered such property by a sewer disposal plant, a sewage treatment plant or any other portion of a sewer system which has not to any extent been paid for by such assessments); to adopt a schedule of rates (a) providing that the corporation may render combined statements or bills for services furnished from its systems and that it may decline to accept payment of charges for services from any of its systems without payment of charges for services from any one or more of its other systems, and (b) providing for discontinuance of service from a system or systems to any customer who shall be delinquent in payment of charges for service from any system owned by such corporation; to lease, exchange, sell, convey and otherwise dispose of such of its real, personal or mixed property as is no longer needed by any form of legal conveyance or transfer; to exercise all powers of eminent domain now or hereafter conferred on municipalities in this state; to appoint and employ such officers and agents, including attorneys, as its business may require; to provide for such insurance as its board of directors may deem advisable. Any mortgage, deed of trust, or pledge agreement made by such corporation may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage, deed of trust, or pledge agreement and respecting the rights or duties of the parties to such instrument or the parties for the benefit of whom such instrument is made; provided, that no such mortgage or deed of trust shall be subject to foreclosure.

Section 5. CONTRACTS TO SECURE LENDERS.—To further secure the repayment of any money borrowed by it, such corporation may enter into a contract or contracts binding itself for the proper application of the money borrowed, for the continued operation and maintenance of any system or systems owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from its system or systems, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the loan and the assurance that the revenues from its system or systems will be sufficient to operate such system or systems, maintain the same in good repair and in good operating

condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the loan and the efficient operation of such system or systems.

Section 6. BONDS OF CORPORATION; MUNICIPALITY NOT LIABLE; PROPERTY REVERTS TO MUNICIPALITY WHEN FREE OF DEBT.—All bonds issued by any such corporation organized or the certificate of incorporation of which is amended under this act shall be signed by the chairman of its board of directors or other chief executive officer and attested by its secretary, and the seal of such corporation shall be affixed thereto. Any interest coupons applicable to the bonds of such corporation shall be signed by the chairman of the board of directors or other chief executive officer, but a facsimile of such signature may be impressed on any such interest coupon in lieu of his manually signing the same. Any such bonds may be executed and delivered by such corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest payable and evidenced in such manner as may be provided by resolution of its board of directors. Any borrowing may be effected by the sale of such bonds at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board of directors of such corporation to be most advantageous. Any bonds issued by such corporation may thereafter at any time (whether before, at or after the maturity thereof) and from time to time be refunded by the issuance of refunding bonds, which may be sold by such corporation at public or private sale at such price or prices as may be determined by its board of directors to be most advantageous, or which may be exchanged for the bonds to be refunded. The corporation may pay all expenses, premiums and commissions which its board of directors may deem necessary and advantageous in connection with any financing done by it. All bonds issued by such corporation shall be construed to be negotiable instruments although payable solely from a specified source. All debts created and bonds issued by any such corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of any municipality. No municipality shall pledge its faith and credit for the payment of any debt incurred or bonds issued by such corporation. When any such corporation shall have borrowed money and issued its bonds payable from the revenues of its system or systems, it shall charge, collect and account for revenues from the operation of such system or systems sufficient to pay the principal of and the interest on said bonds as such principal and interest respectively mature, to pay the costs of operating and maintaining such system or systems and to create and maintain

any reserves or special funds which may be provided for in the proceedings authorizing the issuance of the bonds. Any such corporation shall apply all such revenues in the manner and for the purposes provided for in such proceedings. When the principal of and the interest on all bonds of such corporation payable from the revenues of any system owned by such corporation shall have been paid in full, then title to such system from the revenue of which the bonds are payable shall thereupon immediately vest in the municipality which authorized the incorporation of such corporation and such system shall become the property of such municipality, except as otherwise provided in the next succeeding section of this act. When title to all property owned by any corporation organized or the certificate of incorporation of which is amended under this act shall have vested in the appropriate municipality which shall be entitled thereto under this section and the next succeeding section of this act, then such corporation shall thereupon stand dissolved. The formation of one or more corporations under the provisions of this act shall not prevent the subsequent formation hereunder of another corporation or corporations.

Section 7. ADDITIONAL POWERS OF BOARDS.—Each corporation organized under this act or the articles of incorporation of which are amended under this act, in addition to all other powers conferred on it by this act and by law, is hereby further authorized and empowered to acquire, by purchase from the owner or owners thereof, or to construct, or to acquire and construct, all or any part of a system or systems, and any rights incidental thereto, located within the limits of any incorporated municipality in this state other than the municipality within which such corporation was organized to operate, and thereafter to manage, operate, extend, enlarge, lease, mortgage, convey and otherwise control the same as a part of its system or systems in the municipality within which such corporation was organized to operate, in all respects as if the properties so purchased were located in the municipality within which such corporation was organized to operate. Any such corporation may and is hereby further authorized and empowered to enter into a contract with such other municipality providing that when such corporation shall have paid all indebtedness incurred by it for the system or systems acquired by it and located in such other municipality (other than for operating expenses) then it shall thereupon convey to such other municipality the entire system or systems and all rights incidental thereto which may be owned by it and which may be located within the limits of such other municipality, and also any property located outside of such other municipality which may be owned by it and which may be necessary for the operation therein of such system, all as may be provided in such contract. If any such contract shall be so made, then upon payment in full by such corporation of all such indebtedness, such

corporation shall thereupon convey to such other municipality the properties and rights so agreed to be conveyed under the provisions of such contract.

Section 8. CONSOLIDATION OF SYSTEMS.—Each corporation organized under this act, or the articles of incorporation of which are amended under this act, may, if it so elects, combine and consolidate any of its systems (whether water, sewer, gas or electric) with any one or more of its other systems (whether water, sewer, gas or electric) and provide for the operation, maintenance and repair of the systems so consolidated as one combined and consolidated system, the keeping of books and records for one combined system and the borrowing of money for any purpose authorized by law and the issuance of revenue bonds payable from the revenues of the combined system; or such corporation may keep and operate any one or all of its systems separate from its other systems. One combination and consolidation of systems shall not prevent other combinations and consolidations of other systems or the combination and consolidation of another system or systems with said consolidated system.

Section 9. PLEDGE OF REVENUES AND MORTGAGING OF SYSTEM OR SYSTEMS.—Any bonds issued by a corporation organized under this act, or the articles of incorporation of which are amended under this act, for any purpose for which it is authorized by law to borrow money and issue its bonds, without regard to the system for the benefit of or with respect to which such bonds may be issued, may be made payable out of the revenues from all systems owned by the corporation or out of the revenues from any one or more systems owned by the corporation; and any such corporation may pledge for the payment of any of its bonds the revenues from which such bonds are payable and may mortgage, pledge or otherwise convey as security for such bonds the system or systems the revenues from which are so pledged.

Section 10. PROCEEDS FROM SALE OF BONDS.—All moneys derived from the sale of any bonds issued by any corporation organized under this act, or the articles of incorporation of which are amended under this act, shall be used solely for the purpose or purposes for which the same are authorized, including any engineering, legal and other expenses incident thereto, and, in the case of bonds issued in whole or in part for construction of a system or any part thereof, interest on such bonds (or, if a part only of the bonds are issued for the purpose of such construction, on the part of such bonds issued for that purpose) prior to and during such construction and for not exceeding one year after completion of such construction and, in the case of bonds issued by such corporation for the purpose of refunding outstanding bonds of such corporation, any premium which it may be necessary to pay in order to redeem or retire the bonds to be refunded.

11. **ACT CUMULATIVE; NO OTHER LEGAL RESTRICTIONS OR CONTROLS APPLY.**—Neither this act nor any provision herein contained shall be construed as a restriction or limitation upon any power, right or remedy, which any corporation organized under the Alabama Code of 1940, Title 37, sections 394 to 402, or as amended, or organized or the certificate of incorporation of which is amended under the provisions of this act, may have in the absence thereof, but shall be construed as cumulative and independent of any such power, right or remedy. No proceedings, notice or approval shall be required for the incorporation of such corporation or the amendment of its articles of incorporation, the acquisition of any property or systems or the making of any loans or the issuance of bonds or instruments in evidence thereof or as security therefor, except as herein prescribed, any other law to the contrary notwithstanding; provided, however, that nothing herein shall be construed to suspend the jurisdiction of the state board of health as may be otherwise provided by law. Every corporation organized under the Alabama Code of 1940, Title 37, sections 394 to 402, or as amended, or organized or the certificate of incorporation of which is amended under the provisions of this act, shall be exempt from all jurisdiction of and regulation by the Public Service Commission.

Section 12. **EXEMPTION FROM TAXATION.**—The property and income of each corporation formed or the certificate of incorporation of which is amended under this act and all bonds issued by each such corporation and the income from such bonds and conveyances by or to each such corporation and mortgages and indentures of trust by or to each such corporation shall be exempt from all taxation in the State of Alabama.

Section 13. **APPLICATION OF ALABAMA CODE OF 1940, TITLE 37, SECTIONS 394 TO 402, AND TITLE 48, SECTIONS 342 TO 347, AND ACT NO. 154 OF THE GENERAL ACTS OF 1947.**—No corporation herein provided for shall hereafter be organized or incorporated under the provisions of the Alabama Code of 1940, Title 37, sections 394 to 402, inclusive, or as amended; but corporations already in existence and organized or incorporated under said sections or under said sections and Act No. 154, General Acts of Alabama, approved July 22, 1947 (General Acts of 1947, pp. 48 et seq.) shall continue in existence and shall continue to have and exercise all powers, authorities, rights, privileges, franchises, functions and duties, subject to the restrictions and limitations provided for in said Code sections, as amended, and said Act No. 154 of the General Acts of 1947, except that such corporations by amending their certificates of incorporation as herein provided may come under and be governed and controlled by all provisions of this act as fully as if originally incorporated hereunder. Nothing in this act shall be construed as repealing any section or provision of the Alabama Code of 1940, Title 48, sections 342 to 347, inclusive, or sections 7, 8, 9,

10, and 11 of said Act No. 154 of the General Acts of 1947; but said Code sections and said sections of said Act No. 154 of 1947 shall apply to the acquisition of competing electric systems and gas systems by any corporations organized or the certificate of incorporation of which is amended under the provisions of this act, as fully as to municipalities and other governmental agencies and to boards incorporated under the provisions of Alabama Code of 1940, Title 37, sections 394 to 402, as amended, and Act No. 154 of the General Acts of 1947.

Section 14. SEVERABILITY PROVISION.—In the event that any section, sentence, clause or provision of this act shall be held or declared invalid by any court of competent jurisdiction, such adjudication shall not affect the remaining sections, sentences, clauses and provisions of this act, but such remaining sections, sentences, clauses and provisions shall stand and continue effective.

Approved June 29, 1951.

Time: 5:20 P. M.

Act No. 176

S. J. R. 29—Quarles

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring, that House Bill No. 319 be known and designated as the Quarles, Givhan, Molette, Hardy and Wallace bill.

Approved June 29, 1951.

Time: 11:10 A. M.

Act No. 177

H. J. R. 53—Miller

HOUSE JOINT RESOLUTION

Be it resolved by the House, the Senate Concurring, That H. B. 371 which has passed both Houses be known and be designated as the "Hawkins-Boutwell Bill."

Approved June 29, 1951.

Time: 6:04 P. M.

Act No. 178

H. J. R. 54—Thomason, Tumlin

HOUSE JOINT RESOLUTION

WHEREAS the Honorable John Howell of Calhoun County, who served as a member of the House of Representatives of the Alabama Legislature in a very distinguished manner for four

years, 1947-1951, died on June 24 and was buried at his home in Jacksonville, and

WHEREAS his services and activities as a member of the House of Representatives undoubtedly redounded greatly to the progress and benefit of the State of Alabama, and

WHEREAS he was especially interested in all legislation relating to the public welfare and the development of a strong and useful public welfare program, and

WHEREAS he was a true Southern Gentleman and a genuine statesman, having left the State better than he found it;

NOW THEREFORE Be It Resolved by the House of Representatives, the Senate concurring, that we hereby express our deep regret at the loss of this distinguished citizen, and extend our sympathy to members of his family; and further that a copy of this resolution be spread upon the Journals of the two houses.

Approved June 29, 1951.

Time: 6:02 P. M.

Act No. 179

H. 11—Thomason

AN ACT

To amend Section 207 of Title 14 of the Code of Alabama, 1940, as amended, which relates to the punishment of forgery and counterfeiting.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 207 of Title 14 of the Code of Alabama, 1940, as amended, is hereby amended to read:

"Forgery in the first degree is punished by imprisonment in the penitentiary for not less than one nor more than twenty years, in the second degree by imprisonment in the penitentiary for not less than one nor more than ten years, and in the third degree by imprisonment in the county jail, or hard labor for the county, for not more than twelve months."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 6:01 P. M.

Act No. 180

H. 371—Hawkins (Etowah)

AN ACT

To supplement the Workmen's Compensation Act of Alabama; to provide compensation for injured workmen and dependents of deceased workmen; and without limiting the comprehensiveness and generality

of the foregoing, to supplement Chapter 5, Title 26, Code of Alabama 1940, as amended, known as the Workmen's Compensation Act of Alabama, by adding thereto the following to be designated as Article 2A of said chapter prescribing the liability of an employer to make compensation by way of damages for the disease of occupational pneumoconiosis contracted by an employee and which arises out of and in the course of his employment; declaring said disease of pneumoconiosis so contracted as an occupational disease which is to be regarded as an accident without regard to negligence of the employer and providing for acceptance of the provisions hereof by election and for the enforcement of such liability, modifying common law, contractual, and statutory remedies in such cases, regulating procedure for determination of such liability and the compensation payable and providing a period of limitation for filing suits on claims arising from pneumoconiosis.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 5, Title 26, Code of Alabama 1940, as amended, which is known as the Workmen's Compensation Act of Alabama, is hereby amended by adding thereto the following supplemental article, to be known as "Article 2A of the Workmen's Compensation Act of Alabama".

ARTICLE 2A—OCCUPATIONAL PNEUMOCONIOSIS

Section 2. GENERAL PROVISIONS. Where the employer and employee are subject to the provisions of Chapter 5, Title 26, Code of Alabama 1940, as amended, the contraction of the disease of occupational pneumoconiosis, as hereinafter defined, shall be treated as an injury by accident, and the employee, or, in case of his death, his dependents shall be entitled to compensation as provided herein. In no case, however, shall an employer be liable for compensation by reason of the contraction of the disease of occupational pneumoconiosis, as defined herein, or for disability or death resulting therefrom, unless such disease arose out of and in the course of the employment and has resulted from the nature of the employment in which the employee was engaged under such employment. By "nature of employment" is meant that as to the industry in which the employee was so engaged there is attached a particular hazard of such disease that distinguishes it from the usual run of occupations and is in excess of the hazards of such disease attending employment in general.

Section 3. DEFINITIONS. "Occupational pneumoconiosis" shall mean a disease of the lungs caused by inhalation of minute particles of dust over a period of time and which said dust is due to causes and conditions arising out of and in the course of the employment without regard to whether or not said causes or conditions are inherent in the employment or can be eliminated or reduced by due care on the part of the employer. The term "occupational pneumoconiosis" shall include, but without limitation, such diseases as silicosis, siderosis, anthracosis, anthra-silicosis, anthraco-silicosis, anthraco-tuberculosis, tuberculo-silicosis, silico-tuberculosis, aluminosis, and other diseases of the

lungs resulting from causes enumerated in this section. The term "contraction of the disease of occupational pneumoconiosis" as used herein shall include any aggravation of such disease without regard to the employment in which the disease was contracted.

Section 4. PRESUMPTION AS TO ACCEPTANCE OF PROVISIONS OF ARTICLE; ELECTION NOT TO ACCEPT. All contracts of employment made on or after the effective date of this article shall be presumed to have been made with reference to and subject to the provisions of this article unless written or printed notice is given by either party to the other, at the time of employment, that he does not accept the provisions of said article, and a duplicate of such notice, with affidavit of service attached thereto, shall be filed with the probate judge of the county in which the employee is performing service at the time such notice is given, and which duplicate shall be recorded. All contracts of employment made prior to, and existing on, the effective date of this article shall be presumed to continue from and after said date, subject to and under the provisions of this article, unless within thirty days from said date, written or printed notice has been given by either party to the other, that he does not accept the provisions of said article, and a duplicate thereof, with affidavit of service attached, filed with the probate judge as above provided. Every employer and every employee shall be presumed to have accepted and come under this article and the provisions thereof relating to the payment and acceptance of compensation, unless he shall have given notice, and a duplicate shall have been filed with the probate judge, as above provided, of his election not to accept or be bound by the provisions of said article.

Section 5. EITHER PARTY MAY TERMINATE AGREEMENT. Either party may terminate his acceptance or his election not to accept the provisions of this article by thirty days' written notice to the other. A duplicate of such notice, with affidavit of service attached thereto, shall be filed with the probate judge of the county in which the employee is performing service at the time such notice is given, and shall be recorded, and the time shall not begin to run until such notice is so filed. Upon termination of the acceptance of the provisions of this article, the rights and remedies, if any, of the employee, his personal representative, surviving spouse, parents, dependents, and next of kin, on account of or arising out of any and all exposures to the hazard of said occupational pneumoconiosis occurring prior to the effective date of such termination, shall be limited to those provided in this article.

Section 6. SURRENDER OF OTHER RIGHTS. The acceptance of the provisions of this article shall be a surrender by the parties thereto of their rights to any other method, form or amount of compensation or damages for the contraction of the

disease of occupational pneumoconiosis, or for injury, disability, loss of service or death resulting from such disease, arising out of and in the course of employment, or determination thereof in any manner other than as provided in this article, and shall be an acceptance of all the provisions of this article, and shall bind the employee himself, and for compensation for his death shall bind his personal representative, the surviving spouse, parents, dependents and next of kin, as well as the employer and those conducting his business during bankruptcy or insolvency, for compensation as provided for by this article.

Section 7. EXCLUDING OTHER REMEDIES. The rights and remedies herein granted shall exclude all other rights and remedies of an employee, his personal representative, parents, surviving spouse, dependents or next of kin, at common law, by statute, contract, or otherwise on account of the contraction of the disease of occupational pneumoconiosis and on account of any injury, disability, loss of service or death resulting from the disease of occupational pneumoconiosis; and except as herein provided in this article, no employer included within the terms of this chapter, shall be held civilly liable for the contraction of the disease of occupational pneumoconiosis, or for injury, disability, loss of service or death of any employee due to occupational pneumoconiosis, while engaged in the service or business of the employer, the cause of which occupational pneumoconiosis originates in the employment; but nothing in this section shall be construed to relieve any employer from criminal prosecution for failure or neglect to perform any duty imposed by law.

Section 8. EFFECT OF ELECTION BY EMPLOYER OR EMPLOYEE NOT TO COME UNDER ACT. If the employee elects not to become subject to this article, or terminates his acceptance of the article after once having been subject thereto, in any action brought to recover damages for the contraction of occupational pneumoconiosis or for injury, disability or death resulting from said disease against an employer who has elected to come under this article, said employee or his personal representative shall proceed as at common law only, and such employee, his parents, surviving spouse, personal representative, dependents and next of kin, shall have no right of action under Sections 118, 119 and 123 of Title 7, and Sections 326 and 328 of Title 26, Code of Alabama of 1940, or any other right given by statute, and the employer in such suit may avail himself of all defenses as provided by statute, or at common law. If the employer elects not to become subject to this article, or terminates his acceptance of the article after once having been subject thereto, the employee having elected to come under this article, any right of action, which the employee, or in case of his death his personal representative, parents, surviving spouse, dependents and next of kin, shall have against the employer for injury, disability or death, resulting from the contraction of occupational

pneumoconiosis shall be unaffected by this article, and the employer in such action shall lose the right to interpose the following defenses: contributory negligence, assumption of risk, and negligence of a fellow servant.

Section 9. FALSE REPRESENTATION BY EMPLOYEE. If any employee, at the time of or in the course of entering into the employment of the employer by whom the compensation would otherwise be paid, wilfully and falsely represented himself in writing to such employer as not having previously been compensated in damages, or under this article, because of such disease, such employee, his personal representative, parents, surviving spouse, dependents and next of kin, shall be barred from compensation or other benefits provided by this article, or from recovery at common law, by statute, contract or otherwise on account of occupational pneumoconiosis resulting from exposure to the hazards of such disease subsequent to such representation and while in the employ of such employer.

Section 10. THE EMPLOYER LIABLE HEREUNDER. Where compensation is payable under this article, the only employer liable, if any, shall be the employer in whose employment the employee was last exposed within a period of five years prior to the date of the injury, to the hazards of said disease, in each of at least twelve months. The employer who is liable shall not be entitled to contribution from any other employer of such employee.

Section 11. LIMITATIONS OF ACTIONS. In case of the contraction of the disease of occupational pneumoconiosis as defined in this article, or of injury or disability resulting therefrom, all claims for compensation shall be forever barred, unless within one year after the date of the injury, as hereinafter defined, the parties shall have agreed upon the compensation payable under this article, or unless within one year after the date of the injury one of the parties shall have filed a verified complaint as provided in Section 304 of this title. In case of death, all claims for compensation shall be forever barred, unless the death results proximately from the disease of occupational pneumoconiosis as defined in this article and occurs within three years of the date of the injury, as hereafter defined, and unless within one year after such death, the parties shall have agreed upon the compensation under this article, or unless within one year after such death one of the parties shall have filed a verified complaint as provided in Section 304 of this title. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of one year from the time of making the last payment. In case of mental incapacity of the injured employee or his dependents, to perform or cause to be performed any act required within the time in this section specified, the period of limitation in any such case shall be extended to become effective one year from the date

when such incapacity ceases. No agreement, express or implied, to shorten or to extend said limitations shall be valid or binding on either of the parties when said employment, at the time of said exposure, is or was subject to the provisions of this Article 2A. The date of the injury shall mean for all purposes of this article the date of the last exposure to the hazards of the disease in the employment of the employer in whose employment the employee was last exposed, within a period of five years prior to the date of the injury, to the hazards of the disease in each of at least twelve months.

Section 12. EFFECT OF ELECTION TO ACCEPT OR NOT TO ACCEPT PROVISIONS UPON RIGHTS AND REMEDIES ARISING FROM PRIOR EXPOSURES. Where both the employee and the employer have accepted the provisions of this article, all exposures of the employee occurring prior to the effective date of this Act to the hazards of said occupational pneumoconiosis while in the employ of the employer shall be deemed for all purposes to be subject to the provisions of this article, and the employee, his personal representative, parents, surviving spouse, dependents and next of kin, shall be entitled to compensation or other benefits and barred from other rights and remedies as herein provided for exposures occurring after the effective date of this Act. Where the employee elects not to accept the provisions of this article, the employer having accepted it, all liability, if any, ex contractu or ex delicto, of the employer for exposures of the employee occurring prior to the effective date of this Act to the hazards of said occupational pneumoconiosis while in the employ of the employer shall be barred unless the employee, if living at the expiration of one year from the effective date of this Act, shall, prior to the expiration of such one year period, file suit against such employer to recover damages caused by such prior exposures, or, if the employee dies as a result of such exposures prior to the expiration of such one year period, unless his parents or personal representative, as the case may be, shall file suit against such employer within one year after the expiration of such period to recover damages for such death, and no parent or personal representative of a deceased employee shall have or maintain any action or right of action against the employer to recover damages for the death of such employee caused by such prior exposures when such employee is living at the expiration of one year from the effective date of this Act; provided that nothing herein contained shall be construed as creating a right or cause of action where none existed at the expiration of such period or as extending the period of limitations applicable to any cause of action arising from such prior exposures which would be barred prior to the expiration of such period, or as conferring a right or cause of action upon any parent or personal representative of any deceased employee in cases where the employee at the time of his death could not have maintained an action against the employer. Where the employer

elects not to accept the provisions of this Article, the employee having accepted it, the provisions of this article shall not apply to exposures of the employee occurring prior to the effective date of this Act to the hazards of said occupational pneumoconiosis while in the employ of the employer.

Section 13. **COMPENSATION PAYABLE UNDER THIS ARTICLE.** The compensation payable for death or disability caused by pneumoconiosis shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing compensation for disability or death resulting from an accident arising out of and in the course of the employment, and the medical, surgical, hospital and burial benefits payable hereunder caused by said disease shall be computed in the same manner and in the same amounts as provided in Chapter 5 for computing like benefits.

Section 14. **TRANSITORY PERIOD.** During a transitory period the aggregate compensation payable to an employee or his dependents for disability or death from pneumoconiosis as herein defined shall be limited as follows:

1. If disability occurs in the calendar month in which this Article 2A becomes effective, or if death occurs in the calendar month in which this Article 2A becomes effective, and in case of death no suit is pending on the effective date of this Article 2A claiming prior disability, the aggregate disability or death benefits payable shall not exceed the sum of \$4,750.00.

2. If disability occurs during the next calendar month, or death occurs during the next calendar month, and in case of death no suit is pending on the effective date of this Article 2A claiming prior disability, the aggregate disability or death benefits shall not exceed the sum of \$4,950.00.

Thereafter, the maximum amount of compensation and death benefits payable shall increase at the rate of \$200.00 per month, for each of the next eleven months up to and including the month in which such disability or death occurs. At the end of twelve months from the effective date of this Article 2A the maximum amount of compensation payable shall be that provided for in Section 13 and shall not at any time exceed that maximum.

Section 15. **SETTLEMENT OF DISPUTES.** The interested parties shall have the right to settle all matters of compensation and all questions arising hereunder between themselves in accordance with and subject to the provisions of this chapter, and in case of a dispute, either party may submit the controversy to the circuit court in accordance with and subject to the provisions of this chapter.

Section 16. **TO WHAT DISABILITIES ACT APPLICABLE.**

The provisions of this article shall apply to all cases of the contraction of occupational pneumoconiosis or injury, disability or death therefrom in which the last exposure to hazards of such disease occurred after the effective date of this Act, except as provided in Section 12 thereof.

Section 17. **APPLICABILITY OF OTHER SECTIONS.** All of the provisions of Article 1, 2 and 3 of Chapter 5, Title 26, Code of 1940, as amended, except Section 294, shall be applicable to this article, unless otherwise provided or inconsistent herewith.

Section 18. **SEVERABILITY.** In the event any clause, sentence, paragraph, section, or other portion of this Act is held unconstitutional, such holding shall not affect the validity of the remainder.

Section 19. **WHEN ACT BECOMES EFFECTIVE.** The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 7:17 P. M.

Act No. 181

H. 477—Dumas, Huey, Morgan (Jefferson),
Adams (Jefferson)

AN ACT

Relating to counties having populations of four hundred thousand or more inhabitants according to the last or any subsequent federal census; providing for the liquidation of any employees' retirement system established for the benefit of the employees of any such county; and providing for coverage of such employees and the future employees of any such county under the provisions of the Federal Social Security Act as amended; and to make an appropriation of the sum or sums necessary for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Every employees' retirement system created by Act No. 328, H. 468, approved July 6, 1945, for the benefit of the employees of any county having a population of four hundred thousand or more inhabitants is hereby abolished and its affairs shall be wound up and liquidated as provided in this Act in order that the employees of such county, present and future, may be provided old-age and survivors insurance in accordance with the Federal Social Security Act as amended.

Section 2. The members of the pension board of any retirement system created by said Act No. 328 shall serve and be receivers of all the property assets, and estate of such retirement system. They shall serve without compensation, and they shall faithfully discharge their duties as receivers and pay over and account for all money, property, and effects which may come

into their hands as such receivers. The custodian of county funds shall, without additional bond or additional compensation, be custodian of the receivers' funds and pay the same out on their order. In the event a member of the pension board is disqualified or unable to serve, or if he is removed as such receiver, the Circuit Court shall appoint his successor.

Section 3. Subject to the approval of the Circuit Court, the receivers shall (1) make provision, by the purchase of annuities, insurance, or the maintenance of cash or investments or otherwise, for the payment of all benefits to which employees who have retired, or become disabled, prior to the date when any employees of such county became subject to the Federal Social Security Act, as amended, by such county entering into the necessary agreement or taking the other steps required for such purpose; (2) make provision for the payment of all expenses of administering this Act; (3) refund to each employee of such county who has contributed to the retirement system and who is not entitled to any benefits under clause (1) of this section 3, the amount of such employee's contribution thereto, without interest; and (4) repay the remainder of all moneys in such retirement system to the general fund of such county.

Section 4. The receivers shall have authority to employ such clerks, actuaries, accountants, or other assistants as they may find necessary to perform properly the duties imposed upon them, and the compensation of such assistants shall be paid out of the trust estate on order of the Circuit Court. The secretary of the retirement system shall continue to serve as secretary to the receivers so long as he shall continue an employee of such county and without additional compensation. The county attorney shall serve as legal advisor and counsel for the receivers without additional compensation. The receivers are hereby authorized, empowered, and required to wind up and settle the affairs of the employees' retirement system, and to that end they are hereby authorized and required to apply to the Circuit Court from time to time for instructions in the discharge of their duties, such applications to be without cost to the receivers or the trust estate. The receivers shall make such reports of their actions hereunder as the Circuit Court may direct.

Section 5. The governing body of any county having a population of four hundred thousand or more inhabitants shall provide for the payment of the employer's contribution payable for coverage of the county's employees under the State's agreement with the Federal Government, whether such coverage under the agreement be prospective or retroactive, and such sum or sums as may be necessary for that purpose are hereby appropriated from any funds in the county treasury not otherwise appropriated.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.

Time: 5:57 P. M.

Act No. 182

H. 480—Tumlin

AN ACT

To provide for the selection and qualifications of the Superintendent of Education of Calhoun County and for the filling of vacancies in the office; and making the Act operative upon its approval by a majority of the voters of Calhoun County voting in a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The Superintendent of Education of Calhoun County shall be elected by the qualified electors of Calhoun County at the first general election held after the operative date of this Act and every four years thereafter. He shall hold office for a term of four years from the July 1 next succeeding his election and until his successor is elected and qualified. Upon the expiration of the term of the incumbent Superintendent of Education of Calhoun County, the Board of Education of Calhoun County shall appoint a qualified person to serve as Superintendent of Education of Calhoun County until the beginning of the term of the first Superintendent of Education of Calhoun County elected under the provisions of this Act. Vacancies in the office of Superintendent of Education of Calhoun County shall be filled for the unexpired term by appointment of the Board of Education of Calhoun County.

Section 2. The Superintendent of Education of Calhoun County shall possess all the qualifications prescribed for county superintendents of education by the general laws of the State.

Section 3. The provisions of this Act shall become operative only if approved by a majority of the electors of Calhoun County voting in a referendum to be held on the date of the next county-wide primary, special or general election, including any election held upon a proposed constitutional amendment. The governing body of Calhoun County shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No., of the 1951 Regular Session of the Legislature, approved the day of, 1951 be adopted? Yes () No ()." If a majority of the votes cast

at the election are "yes," the provisions of this Act shall become effective immediately. If a majority are "no," the Act shall have no effect.

Approved June 29, 1951.
Time: 5:52 P. M.

Act No. 183

S. J. R. 30—Thomas A. Johnston, III

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring, that Senate Bill 90 which has passed both Houses be known as the Johnston-Pfleger-Wilkins and Gallalee Bill.

Approved June 29, 1951.
Time: 5:50 P. M.

Act No. 184

S. J. R. 31—Pinson

SENATE JOINT RESOLUTION

BE IT RESOLVED BY THE SENATE, the House concurring, that Senate Bill No. 244 which has passed both houses, be designated as the Pinson-Pruitt-Harvey Bill.

Approved June 29, 1951.
Time: 5:51 P. M.

Act No. 185

S. 100—Wright

AN ACT

To amend Title 46, Section 267, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 46, Section 267, Code of Alabama 1940, be and the same is hereby amended to read as follows:

Section 267.(a). The state board of medical examiners may establish reciprocal relations with similar boards of other states in reference to the issuance of certificates of qualification, provided that such reciprocal relations shall not be established with the state board of medical examiners of any state that does not require examination upon substantially the same branches of medical learning as those enumerated in section 259 of this title, and does not maintain a standard of proficiency at least equal to that maintained by the state board of medical examiners of this state. When such reciprocal relations have been established, a certificate of qualification may be issued without examination to a person who presents evidence that he has complied with the requirements of a reciprocating state board of medical examiners.

(b). The state board of medical examiners may issue a certificate of qualification without examination to a person who presents evidence that he has complied with the requirements of the state board of medical examiners of another state, provided the state board of medical examiners of that state requires examination upon substantially the same branches of medical learning as those enumerated in section 259 of this title and maintains a standard of proficiency at least equal to that maintained by the state board of medical examiners of this state, whether it has established reciprocal relations with the state board of medical examiners of such state or not.

(c). On the face of any certificate of qualification issued in accordance with the provisions of this section a statement shall appear that it was issued pro forma and without examination.

(d) Any certificate of qualification heretofore issued by the state board of medical examiners under the provisions of this section is hereby validated, ratified, and confirmed, provided such certificate could have been issued under said section as the same now reads.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Approved June 29, 1951.

Time: 5:56 P. M.

Act No. 186

S. 133—Andrews, Reneau, Skidmore

AN ACT

To Amend Title 51, Section 460, of the Code of Alabama 1940 which relates to licenses for attorneys.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 51, Section 460 of the Code of Alabama of 1940 be, and the same is hereby amended to read as follows:

“Section 460. Attorneys.—Each attorney engaged in the practice of law shall pay an annual license of twenty-five dollars to the state, but none to the county. If such business is conducted as a firm or as a corporation in which more than one lawyer is engaged, each lawyer shall pay such license; but no lawyer shall be required to pay a license until the first day of October following the expiration of two years from his admission to the bar. The funds collected for the issuance of the license herein levied shall constitute a separate fund to be disbursed by the comptroller on the order of the board of commissioners of the Alabama State Bar. As soon after the first day of each year as practicable the state treasurer shall certify to the secretary of the board of

commissioners of the Alabama State Bar the names of attorneys who have paid such license fee, and the judge of probate of each county shall certify to the presiding judge of the circuit court having jurisdiction in such county the names of attorneys who have paid such license fee."

Section 2. That this Act shall become effective on October 1, 1951.

Approved June 29, 1951.

Time: 5:55 P. M.

Act No. 187

S. 339—Skidmore

AN ACT

To create in all cities in the State of Alabama which have a population exceeding forty-five thousand and not exceeding fifty-four thousand inhabitants according to the preliminary count as of April 1, 1951 of the latest federal census or which shall have such population according to any such census that may be taken hereafter, a fund to be known as Firemen's and Policemen's Pension and Relief Fund for the benefit and relief of disabled sick, retired and other members of such fire and police departments and the widows, certain of the minor children and dependent widowed mothers of certain deceased members of the fire and police departments of such cities, and to provide for the use, management, control, and administration of such funds; to provide for the raising of such funds and the sources thereof; to provide for the payment into such funds of a proportion of the monthly salary of such members of the fire departments and police departments of such cities as are eligible to participate in the benefits of such funds; to provide for the payment into such funds of a certain percentage of the gross premiums, less returned premiums, received by fire insurance companies, including mutual and industrial fire insurance companies, doing business within such cities, and for making a sworn report by such fire insurance companies of such premiums to the Board of Trustees of such funds, and to prescribe the penalty for failure to make such payments and report, and for enforcing such penalty; to provide for sworn statements to be made to the city clerks of such cities by all persons, firms, or corporations which conduct a fire insurance agency or brokerage business within such cities, and to prescribe the penalty for failure to make and file such statements and for enforcing such penalty; to provide for the payment into such funds certain witness fees and certain rewards and gratuities received by firemen and policemen; to provide for the payment into such funds of all liquor seizure fees and all amounts received by the City from the Alcohol Beverage Control Board for confiscated liquors; to authorize the Board of Trustees to accept money and property for said funds; to authorize the governing bodies of such cities to make appropriations to such fund out of the city treasury; to create in such cities a Board of Trustees of such Firemen's and Policemen's Pension and Relief Fund; to provide for the organization of such Board of Trustees and to designate certain members of said Board and provide the time and method of electing the remaining members thereof and their term of office; to designate and provide for the selection of officers and agents of said Board; to declare the said Board of Trustees the trustees of such funds; to prescribe the powers, authority and duties of such Board of Trustees, its officers and agents; to provide for the pensioning and relief of disabled, sick, retired and other members of such fire departments and police departments and the widows, certain minor

children, and dependent widowed mothers of certain deceased members thereof; to provide for the retirement and reinstatement of members of such fire and police departments; to prescribe the duties of the city attorney and city physician in connection with said Board of Trustees and said funds; to provide for medical examination and diagnosis of the physical and mental condition of such members of fire and police departments; to provide that no person shall have any vested or contractual rights in said fund, but that such fund shall be held subject to the power of the Legislature; to designate the treasurer of such fund and his duties; to provide that said fund and all benefits received therefrom shall be exempt from levy, execution, garnishment, attachment or seizure of any kind.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to and have application in all cities in the State of Alabama having a population exceeding forty-five thousand and not exceeding fifty-four thousand inhabitants according to the preliminary count as of April 1, 1951 of the latest federal census or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to, or have application in, any other city.

Section 2. The following words, terms, and phrases wherever used in this Act shall have the meanings respectively ascribed to them in this section unless the context plainly indicates a contrary meaning: "City" or "such city" or "the city" means a city in the State of Alabama of the population class stated in Section 1 of this Act. "Fireman" means any regular full time member of the fire department of such city, exclusive of all irregular, extra, special, or part time members of such department. "Policeman" means any regular full time member of the police department of such city, exclusive of all irregular, extra, special, or part time members of such department. The term "Mayor" and the term "Chairman of The Commission Board" have reference to the Mayor or to the President or Chairman of the Board of Commissioners or Commission Board of such city, or to the officer of such city whose duties are those of chief executive of such city. The term "Commissioner of Public Safety" in cities having the commission form of government has reference to the commissioner of such city who has charge of the fire and police departments of such city, and in cities having the aldermanic form of government, to the mayor of such city. The term "Board" and the term "Board of Trustees" means the "Board of Trustees of the Fireman's and Policeman's Pension and Relief Fund" created under this Act. The term "Fund," "the fund," "such fund" and similar expressions, has reference to the "Firemen's and Policemen's Pension and Relief Fund" created under the provisions of this Act. Words used in this Act in the past or present tense include the future as well as the past and present, and words used in the singular include the plural, and the plural the singular. Words in the masculine gender include the feminine.

Section 3. That in every city in the State of Alabama which has a population exceeding forty-five thousand and not exceeding fifty-four thousand inhabitants according to the preliminary count as of April 1, 1951 of the latest federal census or which shall hereafter have such a population according to any such federal decennial census that may hereafter be taken, there is hereby created and established a Firemen's and Policemen's Pension and Relief Fund for the benefit of the persons hereinafter named, to be derived and raised in the manner hereinafter provided. The name by which such fund shall be known is "Firemen's and Policemen's Pension and Relief Fund."

Section 4. In every such city, for the management and distribution of such fund, there is hereby created a Board of Trustees to be known as Board of Trustees of the Firemen's and Policemen's Pension and Relief Fund. Such Board of Trustees shall be composed of five members who shall be the Commissioner of such city having supervision over the police and fire departments in such cities which have the commission form of government, and the mayor in such cities which have other than a commission form of government, who shall be the chairman of such Board, the chief of the fire department, the chief of the police department, and one additional member each from the fire and police department to be selected as hereinafter provided. Immediately upon the going into effect of this Act in such cities the Chief of the Police Department shall appoint a policeman, and the Chief of the Fire Department shall appoint a fireman, who shall serve as members of the Board of Trustees until their successors are elected in accordance with the provisions of this Act.

Section 5. Said Firemen's and Policemen's Pension and Relief Fund shall be derived, obtained, and created as follows: A. From the salary of each fireman and each policeman there shall be deducted, as the same becomes payable, and paid into said fund, an amount equal to five per centum of the amount of such salary. Provided that whenever a member of the fire or police department of any such city is ineligible to participate in the benefits of such fund by reason of the provisions of this Act, neither such ineligible member nor his salary or other compensation shall be subject to any assessment for the benefit of such fund. B. Each fire insurance company, including mutual and industrial fire insurance companies, qualified to do business under the laws of Alabama, and doing business in such city, shall annually and on or before the first day of March of each year hereafter, pay into said Firemen's and Policemen's Pension and Relief Fund, a sum equal to one and one-half per centum of the gross premiums, less return premiums, received by such fire insurance company for and on account of business, including all renewals of fire insurance, done by it in the city, during the preceding calendar year; and it shall be unlawful for any such fire insurance company or its agent, to take or receive any prem-

ium for insurance against fire within the city, unless such fire insurance company shall pay, at the time aforesaid, to the said Firemen's and Policemen's Pension and Relief Fund, the amount herein provided to be paid by such fire insurance company; and any such fire insurance company violating any of the provisions of this Act shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of one thousand dollars, to be recovered against such fire insurance company so violating said provisions, or its agent, by suit brought in the name of such city for the use of such fund. Each person, firm or corporation, which conducts a fire insurance agency or brokerage business in such city, shall annually, within the first ten days of each year, make and file a sworn statement in writing, with the city clerk of such city, as treasurer of such fund, giving the name and address of each fire insurance company which such person, firm or corporation represented or did business for, as agent or broker, during the preceding year; and any such person, firm or corporation conducting any such fire insurance agency or brokerage business in such city, violating the provisions of this Act shall forfeit to the said Firemen's and Policemen's Pension and Relief Fund the sum of one hundred dollars to be recovered against such person, firm or corporation, so violating such provisions, by suit brought in the name of such city for the use of such fund and all such forfeitures and penalties provided for herein, when collected, shall be and become a part of said Firemen's and Policemen's Pension and Relief Fund. Provided, however, that the said sum equal to one and one-half per centum of gross premiums, less return premiums, required by this paragraph of this section to be paid by fire insurance companies into said Firemen's and Policemen's Pension and Relief Fund shall be treated and held to be a part of the maximum of four per cent on each one hundred dollars, or major fraction thereof, of gross premiums, less return premiums, which any municipal corporation may by law impose upon any fire insurance company in any one year as a license or privilege tax for the privilege of doing business in such municipality during such year under Section 739 of Title 37. C. All firemen and policemen shall promptly pay into such fund all witness fees in criminal cases and in cases in which they have been summoned by the city, received by them from any court in the county in which such city is situated, and all moneys received by them or any of them as a reward or gratuity for the apprehension of any person, the furnishing of any evidence, the recovery or saving of any property, services at any fire, or otherwise received by them for similar service or for work in the line of his duty. D. There shall be paid into such fund, as and when received, all liquor seizure fees received by any policeman or to which he may be entitled and all amounts received by the City from the State Alcohol Beverage Control Board for confiscated liquors and beverages delivered to it as required by law. E. The Board of Trustees may

take by gift, grant, devise or bequest, any money, personal property, real estate of any interest therein or any right of property; and any such gift, grant, devise or bequest may be absolute or in fee simple or upon condition that only rents, income and profits arising therefrom shall be applied to the purposes for which said fund is created. F. The governing body of the city shall cause to be paid into such fund out of the treasury of such city, an amount equal to five percentum of the salary of each member of such fire and police department who is eligible to participate in the benefits of such fund, such payment to be made to such fund as and when such salary becomes payable, and deduction therefrom is made as provided in this Act.

Section 6. One member of said Board of Trustees shall be elected from among their number by the policemen who are entitled to vote in such election and one member of said Board shall be elected from among their number by the firemen who are entitled to vote in such election. Neither the Chief of Police nor the Chief of the Fire Department shall be entitled to vote in such elections. Such elections shall be held independently of one another on the second Tuesday in January, 1944, and on the second Tuesday in January of every third year thereafter. The said elections shall be held at police headquarters for the police department and at Fire Station Number one for the fire department, or some other place duly designated by the governing body of said city, beginning at nine o'clock in the forenoon and continuing until six o'clock in the afternoon. Only firemen and policemen who are eligible to become members of the said Firemen's and Policemen's Pension and Relief Fund or to participate in the benefits thereof as herein provided shall be entitled to vote in such elections, each being entitled to one vote in the department of which he is a member. Voting shall be by secret ballot. The city clerk shall prepare the ballots which shall be printed, typewritten or mimeographed. He shall place on said ballots the names only of those nominated as candidates as herein provided, and the names of such as may request in writing that their own names be placed thereon. Any three members of the fire department eligible to vote in such election may nominate in writing a candidate from the fire department, and any three members of the police department eligible to vote in such election may nominate in writing a candidate from the police department. Such nominations and such requests from persons entitled to vote in said election that their own names be placed on such ballot shall be filed with the city clerk not earlier than two weeks before the date of such election and not later than five o'clock in the afternoon of Thursday immediately preceding such election. The candidate receiving the highest number of votes shall hold office as such trustee for a term of three years beginning on the Monday next following such election and until his successor is elected and accepts by notify-

ing the chairman of the Board of his acceptance. The Chief of the Police Department and one police officer selected by him, and the Chief of the Fire Department and one fireman selected by him shall act as election officials in their respective departments and, on the day of and immediately after the casting of such ballots, shall canvass and count the same for their respective departments and certify in writing in duplicate the number of ballots cast and the number of ballots received by each candidate for the officer of trustee. After signing such certificates, each chief shall immediately post one copy thereof at the place of election and not later than twelve o'clock noon on the following day deliver one copy thereof together with all the ballots cast by his department, in a securely sealed envelope, to the Chairman of the Board of Trustees who shall on the day following said election in the presence of the chief of such fire department and of the chief of such police department, open said envelopes, examine said certificates and ascertain and determine the total number of ballots cast at said election for each of the candidates as such trustee, and shall issue certificates of election as such trustee to the candidate receiving the highest number of votes as aforesaid. In case any two or more candidates shall have received the same number of votes, so that there would be no choice under the foregoing provision, then the chairman of the Board of Trustees shall forthwith determine by lot from the person so receiving such equal number of votes who shall be the trustee. No election shall be set aside for want of formality in balloting by such members, or in certifying or transmitting returns of any such election by the officers or persons in charge thereof. Should a vacancy occur in the position of an elective member of the Board of Trustees, such vacancy shall, with reasonable promptness, be filled for the unexpired term by the remaining members of said Board.

Section 7. The Board of Trustees shall be the trustee of such fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. It shall have power to adopt and enforce such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized, and to enable it to properly manage and conduct the business and affairs entrusted to it, provided such rules and regulations shall in no wise contravene the provisions of this Act, but shall be in conformity thereto. The Board of Trustees shall hear and decide all applications for pension or relief under this Act and its decisions on such applications shall be final and conclusive, and not subject to review or reversal, except by said Board. It shall cause to be kept a record of all its meetings and proceedings. Three members of said Board shall constitute a quorum for the transaction of any and all business of said Board and the affirmative vote of three members shall be necessary and suf-

ficient to adopt any motion or resolution. Meetings of said Board shall be held in the Council Chamber in the City Hall at such time as it may be called to meet by the Chairman or by any two members. Neither the secretary, treasurer, custodian, nor any member of said Board shall receive any salary or compensation for his services.

Section 8. The City Clerk of such City shall be secretary of the Board of Trustees. It shall be his duty as secretary to keep in a book provided for that purpose a full and complete record of all proceedings of the Board. The secretary shall perform such other duties as may be assigned to him by the Board.

Section 9. The Board of Trustees, after considering the probable demands upon the fund may invest such portion of it as may be safely withdrawn for the purpose. Such investment shall be only in interest bearing bonds of the United States of America, or of the State of Alabama, or of any bonds lawfully issued by such city. All income from investments shall be and become a part of the fund. All securities belonging to the fund shall be deposited with the treasurer of the fund, and shall be subject to the management and control of the Board of Trustees.

Section 10. On or before the first day of February of each year, the Board of Trustees shall make a report to the city council, or to the board of city commissioner, or other governing authority of such city, and to the fire department and the police department in such city, of the condition of the fund as of December 31st of the preceding year.

Section 11. The Board of Trustees shall appoint a bank or trust company in such city as a depository and the treasurer of such fund shall promptly deposit all money belonging to such fund or coming into his hands as treasurer thereof in such depository. If any of such funds are dissipated or lost by reason of the insolvency or failure of such bank or trust company appointed as such depository as provided herein, such dissipation or loss shall not constitute a liability on the official bond of such city clerk as such treasurer of such fund nor a liability against the sureties thereon. All interest received on such deposits shall be and become a part of such fund.

Section 12. No warrant nor check shall be drawn on such fund except by order of the Board of Trustees duly and regularly entered in the record of the proceedings of said Board. The depository of such funds shall not pay out any of such funds except on warrant or check signed by the Chairman of the Board and countersigned by the secretary thereof.

Section 13. The Board of Trustees shall be authorized to pay out of such fund all reasonable and necessary expenses that may be incurred by it in and about the performance of its duties

under this Act and in and about the management and administration of such fund.

Section 14. There shall be kept by the secretary of the Board of Trustees a book to be known as the list of retired firemen and policemen, which shall give a full and complete history and record of the action of the said Board of Trustees in retiring any and all persons under this Act, showing the names, date of entering the service of such department, date of retirement, and the reason of such retirement, if any. In such book there shall also be kept a complete list with the name, age and address, of all children and the name and address of all widows and widowed mothers of policemen and firemen who have been declared by said Board to be entitled to benefits under this Act.

Section 15. The city clerk of any such city shall also be treasurer and custodian of all monies belonging to such fund and all monies belonging to such fund shall be promptly paid to him. The city clerk shall also be the custodian of all securities and things of value belonging to such fund. He shall be liable on his official bond as city clerk for the faithful performance of the duties imposed upon him under this Act, and for the faithful accounting for all monies, securities, and things of value which may come into his hands as treasurer of such fund, and he shall keep a separate account thereof which shall at all times show the true condition of such fund. Upon the expiration of the city clerk's term of office, or whenever, from any cause, he ceases to hold office as such city clerk, he shall surrender and deliver up to his successor all bonds, securities, all money and everything else which have come into his hands as treasurer or custodian of such fund. If, in any such city some officer other than the clerk is the chief fiscal officer, such as comptroller, he shall perform the duties herein prescribed for the city clerk.

Section 16. When any fireman or policeman shall be confined to his bed, or under the necessary care of a physician, by reason of sickness or other disability not otherwise provided for, for as long a period as fifteen days, the said Board of Trustees shall direct the payment to such fireman or policeman from such fund the sum of twenty-five dollars, weekly while so confined, not to exceed in any event twelve weeks; provided, however, that if such policeman or fireman has been in the service of the department of which he is a member for a period of ten years or more, and the board of trustees shall determine at the end of such twelve weeks that such disability is, or has become permanent, they shall retire such disabled person and place him upon the pension roll and pay him as provided for temporary disability incurred while engaged in the performance of his duty; provided further, that such fireman or policeman shall not be entitled to any benefits or relief under this section, if such sickness or disability shall be caused by dissipation, immoral conduct or vicious

habits, or during such time as he shall receive his regular compensation from such duty.

Section 17. The Board of Trustees shall have the power and authority to retire from active service, and they may retire from active service, every fireman and every policeman, without regard to his length of service upon his attaining the age of 65 years, and upon such retirement he shall be paid monthly, from said fund, a sum equal to two and four-tenths per cent (2.4%) of the amount of the monthly salary he was receiving at the time of his retirement for each entire year of his service in the department of which he was a member.

Section 18. Any fireman or policeman who has been in the service of the police or fire department for as long as twenty-five years regardless of age or physical condition, or who has reached the age of sixty years and has been in service thereof as long as twenty years, upon application by him shall be retired and placed on the pension roll by said Board of Trustees, and shall be paid monthly from said pension fund a sum determined in like manner as set forth in the immediately preceding section.

Section 19. Whenever the Board of Trustees shall determine that any fireman or policeman has become temporarily disabled, mentally or physically, for service in the department of which he is a member, and that such disability arose from an injury received or accident occurring while engaged in the performance of his duty or is otherwise a direct result of his service in such department the Board of Trustees shall order that such disabled fireman or policeman be paid monthly out of such fund, during the period of such disability, a sum equal to sixty per cent of the monthly compensation paid such fireman or policeman as salary at the time of his having become so disabled; provided, that any benefits payable under this section shall be reduced by an amount equal to the amount, if any, which the beneficiary shall receive from such city as salary. The Board of Trustees shall be the sole judge of the extent and cause of any such disability and of the time when such disability has ceased to exist, and the Board's determination thereof shall be final. Whenever the Board of Trustees shall determine that such disability is or has become permanent they shall retire such disabled person and place him upon the pension roll and pay him as in this section provided for temporary disability.

Section 20. After any member of the fire department or of the police department shall have retired upon pension voluntarily or by reason of disability, said Board of Trustees shall have the right, at any time, to cause such retired member to be brought before it and again examined by the city physician or other competent physicians and surgeons, to be selected by it, and also to examine other witnesses for the purpose of discovering whether such disability still continues, and whether such retired mem-

ber should be continued on the pension roll, or returned to active duty, but such retired member shall remain upon the pension roll until reinstated in the active service of such department. Such retired members shall be entitled to notice, and be present at the hearing of any such evidence, shall be permitted to propound any questions pertinent or relevant to such matter, and shall also have the right to introduce upon his own behalf any competent evidence he may see fit. All witnesses so produced shall be examined under oath; and any member of such Board of Trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such Board of Trustees shall be final and conclusive and no appeal shall be allowed therefrom, nor shall the same be subject to review or reversal, except by said Board of Trustees.

Section 21. If any fireman or policeman shall, while in the performance of his duty be killed, or die as a result of any injury received in the line of his duty, or shall die from any cause whatsoever as the result of his service in such department and while in such service, or after having served in such department for more than fifteen years, the last five years of which were consecutive shall die from any cause while in the service or on the retired or disabled list, and shall leave a widow (if retired, to whom he was married at the time of his retirement) surviving him, the Board of Trustees shall direct the payment to such widow monthly during her natural life, and while unmarried, a sum equal to twenty percent of such fireman's salary if a fireman, and twenty percent of such policeman's salary if a policeman. If such fireman or policeman leaves surviving him a child or children under sixteen years of age, said Board shall direct the payment monthly from such fund to their mother, if living, whether married or unmarried, for their use and benefit, an amount equal to ten percent of their father's salary at the time of his death for each child under sixteen years of age not to exceed in the aggregate an amount equal to thirty percent of such salary, so long as such child or children live with their mother and are under sixteen years of age and are supported by her. If such child or children have no mother, or if their mother die during the time such child or children are entitled to such benefit, such sum may be paid by the Board of Trustees to the person having control and custody of such child or children or to such other person as said Board of Trustees may direct, to be expended by such person for the benefit of such child or children as may be prescribed by said Board of Trustees. Should such deceased fireman or policeman leave no widow or child but a widowed mother entirely dependent upon him for support, said Board of Trustees shall pay to her monthly during her natural life and so long as she remains unmarried, a sum equal to twenty percent of such fireman's monthly salary, if a fireman, and a sum equal to twenty percent of such policeman's monthly salary, if a policeman.

Section 22. When the widow or child or children or widowed mother, or either of them shall be entitled to a pension as provided in this Act, such widow or child or children or widowed mother shall make or cause to be made an application to the Board of Trustees through the secretary of such Board, on a form to be provided by said Board, which shall show, in the case of the widow, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence; and proof of the widowhood of the mother of such deceased member, and her dependency for support upon him which shall be shown by affidavits of such widowed mother or disinterested persons; and the birth and ages of such children shall be shown by affidavits of the mother of such children or of disinterested persons, or by any other competent evidence. All applications and proofs shall be kept and retained in the custody of the said Board of Trustees.

Section 23. All pensions and relief and retirement pay provided for in this Act shall be on a salary percentage basis and shall increase or decrease in accord with the increase or decrease of the salaries of active members of such fire and police department.

Section 24. That if at any time there shall not be sufficient money in such Firemen's and Policemen's Pension and Relief Fund to pay each person entitled to the benefit thereof the full amount per month as herein provided, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said Fund shall be replenished to warrant the payment in full to each of the said beneficiaries.

Section 25. No pension or other benefit under this Act except for disability incurred in line of duty shall commence or be payable prior to the first day of July, 1945, and under no circumstances shall any beneficiary be paid a pension or other benefit of more than one hundred and twenty-five dollars per month.

Section 26. If any fireman or policeman be discharged, or for any other reason leave the employment of such police department or fire department before he becomes entitled to any of the retirement benefits provided for in this Act, he shall forfeit all right to all benefits under said Act, but he shall be paid back by said Board of Trustees any monies, without interest, that may have been paid into such fund by him by deduction from salary, less one-half of any sick benefits which have been paid to him from such fund.

Section 27. No portion of said fund whether in cash or securities either before or after its distribution by the Board of Trustees to the person or persons entitled thereto under the provisions of this Act shall be held, seized, taken, subjected to, detained or levied upon by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever issued out of any Court of this State, for the payment

or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree against any beneficiary of such fund; but shall be exempt therefrom without any claim therefor. Nor shall any assignment be made of any portion of said fund or of any right or interest therein by any beneficiary or prospective beneficiary thereof, and all such assignments or attempted assignments shall be void. Said fund shall be sacredly kept, held and distributed for the purposes named in this Act, and for no other purposes whatsoever. Neither the employment, payment of benefits to, nor the retirement of any person, nor the payment of any money into such fund by any person nor any act of the Board of Trustees or of the City governing body shall give right to any contractual or vested rights hereunder; but the legislature reserves full power and right to amend, or repeal any and every provision hereof and make disposition of such fund.

Section 28. It shall be the duty of the city attorney to give advice to the said Board of Trustees in all matters pertaining to the duties of the said Board of Trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said Board of Trustees as its attorney in all suit and actions at law or in equity that may be required or determined upon by said Board of Trustees; and the said Board of Trustees shall have the authority to employ such other counsel as it may see fit in such matters, and to pay out of such fund reasonable attorney's fees to such counsel as it may employ as aforesaid.

Section 29. This Act shall supersede and repeal Act No. 593, S. 329, approved July 9, 1943 (General Acts of Alabama 1943), as amended.

Section 30. The provisions of this Act are severable. Should any part of this Act be declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 31. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved June 29, 1951.
Time: 5:53.

Act No. 188

S. 373—Johnston (Mobile)

AN ACT

To amend Section 77 of Title 38 of the Code of Alabama 1940 and also Section 84 of Title 38 of the Code of Alabama 1940 as amended by Act Number 380, approved June 30, 1943, General Acts of 1943, page 357.
Be It Enacted by the Legislature of Alabama:

Section 1. That Section 77 of Title 38 of the Code of Alabama of 1940 be and the same is hereby amended so as to read as fol-

lows: "Section 77. PAY OF PILOTS.—The master, owner or consignee of any ship or vessel must pay the pilot who conducts a vessel into or out of the bay or harbor of Mobile a fee to be fixed by the board of pilotage commission at not exceeding the following rates, for actual draft of water at the time of pilotage: For every vessel crossing the outer bar of Mobile Bay drawing not more than nineteen feet eleven inches of water the sum of six dollars per foot; for every vessel drawing twenty feet or more of water the sum of six dollars and fifty cents per foot, provided however, the minimum pilot fee shall be computed on a minimum draft of eight feet regardless whether or not such vessel has a draft of less than eight feet at the time of pilotage. But vessels trading between any domestic port on the Gulf of Mexico and the port of Mobile, drawing seven feet or less of water, shall not be required to employ a pilot, but if they do, their regular pilotage shall be paid. No fishing smack shall be subject to pilotage."

Section 2. That Section 84 of Title 38 of the Code of Alabama of 1940, as amended by Act Number 380, approved June 30, 1943, General Acts of 1943, page 357, be and the same is hereby amended so as to read as follows: "Section 84. NO DISCRIMINATION OR REBATING OF PILOT'S FEES.—There shall be no discrimination among vessels subject to the payment of pilotage fees, and any person who rebates any pilotage fees or seeks a rebate of pilotage fees, or in any manner creates or aids in creating any scheme or plan by which a discrimination is affected in favor of any vessel or the owners, masters or operators thereof, shall, on conviction, have his license or branch revoked."

Section 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 4. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved June 29, 1951.

Time: 5:54 P. M.

Act No. 189

S. 90—Johnston (Mobile)

AN ACT

To create the Alabama State Docks Board; providing for its membership, powers, duties, personnel, and compensation; transferring to the Board all the rights, powers, duties, authority, funds, property, books, records and effects of the Department of State Docks and Terminals and the Director of State Docks and Terminals; abolishing the Department of State Docks and Terminals, the State Docks Advisory Board and the office of Director of State Docks and Terminals; repealing Sections 2, 3, 4, 5, 6, 7, 8, 10, 11 and 12 of Title 38 of the Code of Alabama, 1940, as amended, and all conflicting laws; and providing for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Alabama State Docks Board, hereinafter referred to as "the Board." The Board shall supervise, control, manage and direct the State Docks and Terminals. The Board shall be the agency of the State through which the State shall accomplish the maintenance and operation of all the improvements and facilities authorized by Chapter 1 of Title 38 of the Code of Alabama, 1940, as amended, and all other laws of the State amendatory thereof or supplemental thereto.

Section 2. (a) The Board shall consist of five members, who shall be residents and qualified electors of the State of Alabama. Two of the members of the Board shall be residents of that portion of the State lying north of the latitude 32 degrees 30 minutes, two of the members of the Board shall be residents of that portion of the State lying south of the latitude 32 degrees 30 minutes, and one member of the Board may be a resident of any part of the State. It is provided, however, that no more than one member shall be a resident of any one congressional district. No member of the Board shall hold any other office of profit or trust under the United States, the State of Alabama or any political subdivision thereof. The first five members of the Board shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed for ten years, one for eight years, one for six years, one for four years, and one for two years. Their successors shall be appointed by the Governor with the advice and consent of the Senate for terms of ten years. Any successor appointee shall be a resident of the same portion of the State as the member he is appointed to succeed, if such member was one of the members required to be a resident of a particular portion of the State. No person who has served on the Board for a full ten year term shall be eligible for reappointment to succeed himself. Vacancies on the Board for any unexpired term shall be filled in the following manner: the incumbent members of the Board shall nominate three persons and submit their names to the Governor who shall, with the advice and consent of the Senate, appoint one of such persons to the Board for such unexpired term. In the event the Senate refuses to confirm any such appointment of the Governor, the members of the Board shall submit an additional name to the Governor so that he may have three persons from whom to select an appointee for such unexpired term. The persons nominated by the Board shall all be qualified for appointment to the Board as hereinbefore provided, and shall be residents of the same portion of the State as the member they are nominated to succeed, if such member was one of the members required to be a resident of a particular portion of the State. Ad interim appointments shall be effective in all cases. No member of the Board shall have any financial interest in any harbor facilities such as the Board is authorized to deal with.

(b) Members of the Board may be removed from office upon impeachment on the grounds and in the manner prescribed in Section 173 of the Constitution of Alabama.

(c) Each member of the Board shall be entitled to receive twenty-five dollars (\$25.00) for each day actually engaged in the performance of his duties, not to exceed twelve hundred dollars (\$1,200) for any year, plus an allowance for expenses for official travel in the State, not to exceed ten dollars (\$10.00) for each day he is entitled to compensation, and the actual cost of his transportation and no more; in the event he uses a privately owned automobile for official travel, he shall receive six cents per mile for each mile actually travelled in attending Board meetings or performing his official duties.

Section 3. The Board shall elect from its number a chairman and vice-chairman. The Board shall convene upon call of the chairman or a majority of the members. A majority of the Board shall constitute a quorum for the transaction of business.

Section 4. The Board may appoint such officers and employees as it may require for the performance of its duties, and shall fix and determine their qualifications, compensation and duties. All the employees of the Board, except for a State Docks director and those exempt under Section 301 of Title 55 of the Code of Alabama, 1940, as amended, shall be subject to the provisions of the law with respect to the method of selection, classification and compensation of state employees on a basis of merit.

Section 5. The Board shall appoint a State Docks director who shall serve at the pleasure of the Board and be responsible to it. He shall receive a salary to be fixed by the Board at not more than \$12,000 per annum. He shall be the chief administrative officer of the Board and the Board may delegate any of its administrative powers and authority to him. The director shall be a man of good character, of business experience, and he shall have no financial interest in any harbor facilities such as the Board created hereby is authorized to deal with.

Section 6. The Board shall annually submit a report of its activities to the Governor and may from time to time make recommendations to the Legislature, based upon study and analysis, for the better conduct of the commerce passing in and through the State Docks and Terminals, for the increase and improvement of transportation and terminal facilities, and the more economical and expeditious handling of such commerce.

Section 7. The Board shall have and exercise all the rights, powers, duties and authority, not inconsistent with the provisions of this Act, conferred upon the Department of State Docks and Terminals and the Director of State Docks and Terminals at the time of the effective date of this Act by Title 38 of the Code of Alabama, 1940, as amended, or by any other laws of the State.

Wherever the words "Department of State Docks and Terminals" are used in any statute, they shall be construed and taken to mean "State Docks Board." The Board shall succeed to all the rights, powers, duties and obligations of the Department of State Docks and Terminals. It is provided, however, that the Board shall not have or exercise any other or greater powers than those possessed by the Department of State Docks and Terminals and the Director of State Docks and Terminals at the time of the effective date of this Act.

Section 8. The Department of State Docks and Terminals, the State Docks Advisory Board and the office of Director of State Docks and Terminals are hereby abolished and all their funds, property, books, records, and effects of any kind whatsoever are hereby transferred to the Board.

Section 9. Sections 2, 3, 4, 5, 6, 7, 8, 10, 11 and 12 of Title 38 of the Code of Alabama, 1940, as amended, are repealed. All laws or parts of laws which conflict with the provisions of this Act are repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective thirty days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 2, 1951.

Time: 11:56 A. M.

Act No. 190

S. 281—Larkins and Andrews

AN ACT

To authorize each municipality in Alabama to convey, without an election, and with or without consideration, its waterworks plant and system, sewer plant and system, electric plant and system and gas plant and system, or any one or more of such plants and systems or any part or parts thereof, to any utility board which is a public corporation in Alabama, whether incorporated with the approval of the municipality making the conveyance or some other municipality, and to make agreements with respect to such matters.

Be It Enacted by the Legislature of Alabama:

Section 1. Each municipality in Alabama which now or hereafter owns a water works plant and system, a sewer plant and system, an electric plant and system, and a gas plant and system or any one or more thereof, is hereby authorized to transfer and convey one or more of such plants and systems, or any part or parts of such plants and systems, or any rights incidental thereto, without the necessity of authorization at an election of the qualified voters of such municipality, to a board which is a public

corporation organized and incorporated under Title 37, Sections 394 to 402, Alabama Code of 1940, as amended, or under any act providing for the incorporation of like boards to own and operate any waterworks plant or system, any sewer plant or system, any electric plant or system, or any gas plant or system, whether such board was incorporated with the approval of the municipality owning such plant and system or with the approval of some other municipality in Alabama. Any such transfer or conveyance may be made with or without pecuniary consideration and on such terms and conditions as the governing body of the municipality owning such plant and system may determine. Any such transfer and conveyance shall be made only upon the enactment by the governing body of the municipality owning such plant and system of an ordinance or resolution authorizing such transfer and conveyance.

Section 2. The governing body of such municipality is hereby authorized to enter into any agreements with such board which may be necessary or appropriate in order to effectuate such transfer, and in the instrument of transfer may impose any conditions or stipulations deemed advisable by its governing body and not inconsistent with the provisions of this act respecting the subsequent control, management, operation, extension and improvement by such board of the plant or plants and system or systems so transferred to it. Nothing contained in this act shall be construed to authorize any such board to convey any plant or system which may be transferred to it by a municipality so as to vest title thereto in private ownership and control; provided, however, that title to such plant and system may be subjected to a mortgage, deed of trust or pledge agreement as security for repayment of money borrowed by such board.

Approved July 2, 1951.

Time: 11:56 A. M.

Act No. 191

S. 119—Andrews

AN ACT

To amend Section 155, Title 55, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 155, Title 55, Code of Alabama 1940, be and the same is hereby amended so as to read as follows:

§ 155. Consent of department to issuance of securities. No bonds or other evidences of indebtedness of any commission or authority created to construct or reconstruct highway bridges, approaches and appurtenances thereto, any housing authority, any state rural electrification authority, any electric membership corporation, any power district, and any improvement authority

shall be issued or sold until the consent to the issuance and sale thereof shall have been given by the department of finance, to be evidenced by the written approval of the director of finance. Such consent shall be granted only after a public hearing and after a petition requesting such consent has been duly filed by the corporation, authority, district, commission or other body seeking such consent with the department more than five days before such public hearing. Such petition shall specify the plan or program of the body seeking such consent and the uses to which it is proposed to put the proceeds of such issue and such other matters as are necessary to fully advise such department of the nature of the proposed project and said petition shall include such other information as may be required by the rules of the department. The department of finance shall grant such consent only after it finds that such issue or sale serves some public need and is in the public interest. It shall be unlawful for the body seeking such consent or any one to use the proceeds of any such issue or sale contrary to the plan and purposes presented to the department in obtaining its consent thereto, provided, however, the provisions of this Act shall not apply to any bonds or other evidence of indebtedness issued by any town, city or municipality, or any agencies, bureaus or commissions thereof.

Section 2. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 9, 1951.

Time: 5:30 P. M.

Act No. 192

S. 251—Andrews

AN ACT

To amend Title 37, Section 334 of the Code of Alabama of 1940; and to repeal Title 37, Section 352 of the Code of Alabama of 1940, which relate to public improvement revenue bonds.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 37, Section 334 of the Code of Alabama of 1940 be, and the same is hereby amended to read as follows:

"Section 334. Rates not subject to state regulations; system subject to supervision of state board of health.—Rates charged for services furnished by any system or combined system purchased, constructed, improved, enlarged, extended or repaired under the provisions of this subdivision shall not be subject to supervision or regulation by any state bureau, board, commis-

sion or other like instrumentality or agency thereof, and it shall not be necessary for any borrower operating under the provisions of this subdivision, except as herein otherwise provided, to obtain any franchise or other permit from any state bureau, board, commission or other instrumentality thereof, except the state board of health, in order to construct, improve, enlarge, extend or repair any system or combined system named in this subdivision. Provided, however, that the functions, powers, and duties of the state board of health shall remain unaffected by this subdivision, except for the following additional cumulative and supplemental authority, to-wit: No governing body under the provisions of this subdivision shall construct, add to, modify, alter or operate any sewage collection system or sewage treatment plant or plants set out in this subdivision, or incur any debt or issue any bonds in aid of such systems or works, unless a permit shall first have been obtained from the state board of health. Such permit shall be based upon adequacy of financing of operation and the maintenance of effluent of such quality as will not constitute a menace or damage to the health or lives of human beings, or endanger the public health, welfare or comfort. If any governing body fails or refuses after a period of thirty days after a notice and order is given it by the state board of health to perform any act or acts required of it by this section and by any such order or notice of the state board of health, such order of the state board of health may be enforced by a writ of mandamus issued by any court authorized to issue such writ."

Section 2. That Title 37, Section 352 of the Code of Alabama of 1940 be, and the same is hereby repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved July 9, 1951.

Time: 5:32 P. M.

Act No. 193

S. 252—Andrews

AN ACT

To repeal Title 25, Section 13 and Section 39, of the Code of Alabama 1940, which relate to hearings before the Department of Finance.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 25, Section 13 and Section 39, of the Code of Alabama 1940 be, and the same are hereby repealed.

Section 2. That this Act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved July 9, 1951.

Time: 5:35 P. M.

Act No. 194

S. 277—Andrews

AN ACT

To repeal Title 55, Sections 151 to 154, inclusive, Code of Alabama 1940, and to abolish the Division of Local Finance in the Department of Finance.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 55, Sections 151, 152, 153, and 154 of the Code of Alabama of 1940 be, and the same are hereby repealed.

Section 2. That the Division of Local Finance, a division of the Department of Finance, as provided in Title 55, Article 6, Section 151, Code of Alabama 1940 be, and the same is hereby abolished.

Section 3. That this Act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved July 9, 1951.

Time: 5:41 P. M.

Act No. 195

S. 364—Johnston (Mobile)

AN ACT

Relating to Mobile County; providing for the filling of vacancies which occur in certain public offices.

Be It Enacted by the Legislature of Alabama:

Section 1. Any vacancy occurring in any elective state or county office in Mobile County shall be filled by appointment by the Governor, and the appointee shall hold his office until the next general election for any state officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term, and until his successor is elected and qualified.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 5. This Act shall not apply to or affect the term of any person holding office on the effective date hereof.

Approved July 10, 1951.

Time: 6:10 P. M.

Act No. 196

S. 365—Johnston (Mobile)

AN ACT

To amend Section 1 of an Act entitled "An Act to provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being serviced by the Mobile Public Library," approved Aug. 9th, 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an Act entitled "An Act to provide funds for the maintenance and expansion of the public libraries in Mobile County and to provide for the extension of the services of the Mobile Public Library to include the rural and municipal areas of the County not now being serviced by the Mobile Public Library," approved August 9th, 1949, be and the same is hereby amended to read as follows:

Section 1. That the Board of Revenue and Road Commissioners of the County of Mobile shall pay annually out of the general fund of such county to the board, commission or other governing body duly constituted by public law, of each public library situated in any incorporated town or city in the county of Mobile, sums equal to \$.11 per capita of the population of Mobile County in such manner as to pay to each public library situated in any incorporated town or city other than the county seat, \$.11 per capita of the population of each such incorporated town or city and to the board, commission or other governing body duly constituted by public law of the Mobile Public Library situated in the county seat of such county, \$.11 per capita of the population of such county seat together with \$.11 per capita of the population of other parts of the county other than incorporated towns maintaining public libraries. The word population, wherever it hereinabove appears in this section, shall, prior to the final and official determination and promulgation of the 1950 census by the United States Government, be construed to mean the population as the same has heretofore been estimated by the United States Government in its preliminary report on the 1950 census, and upon such final and official determination and promulgation of the 1950 census and, from time to time thereafter, upon such final and official determination and promulgation of each succeeding census, shall be construed to mean the population as so finally and officially determined and promulgated.

Section 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Section 3. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 10, 1951.

Time: 6:00 P. M.

Act No. 197

H. 78—Dawkins, Sellers, Hall, Tennille

AN ACT

To amend Section 152 of Title 41 of the Code of Alabama, 1940, which relates to salaries of officers and employees of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 152 of Title 41 of the Code of Alabama, 1940, is amended to read as follows:

“When not fixed by law or provided for in the pay plan of the merit system, the Governor is authorized to fix or approve salaries of officers and employees of the State of Alabama, but no salary or compensation, including those provided for in the pay plan of the merit system, shall be fixed or approved in excess of seven thousand two hundred dollars per annum, unless a different maximum is fixed by law.”

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 10, 1951.

Time: 6:02 P. M.

Act No. 198

H. 486—Romine, Baker

AN ACT

Relating to Lauderdale County; dividing the County into four commissioners' districts; providing for the election of a commissioner for each district; prescribing the duties of the commissioners, fixing their qualifications and term of office, and providing that each commissioner shall be furnished transportation by the County to be operated at county expense on county business; repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Lauderdale County is hereby divided into four commissioners' districts as follows: District 1 shall be composed of Beats 1, 2, 3, and 4; District 2 shall be composed of Beats 5, 6, 7, 8, and 19; District 3 shall be composed of Beats 9, 10, and 11; District 4 shall be composed of Beats 12, 13, 14, 15, 16, 17, and 18. A county commissioner shall be nominated and elected by the qualified electors of the entire County for each of the districts herein created as hereinafter provided.

Section 2. Commissioners for Districts 2 and 4 shall be nominated at the primary election to be held on the first Tuesday in May 1952 and elected at the general election to be held in 1952, and every four years thereafter; Commissioners for Districts 1 and 3 shall be nominated at the primary election to be held on the first Tuesday in May, 1954 and elected at the general election to be held in 1954, and every four years thereafter. Each

commissioner shall be a resident and qualified elector of the district for which he is elected and shall continue to reside therein during his continuance in office.

Section 3. The County commissioners of Lauderdale County elected as provided in this Act shall perform all the duties and have all the authority and jurisdiction heretofore imposed or conferred upon the commissioners of Lauderdale County by law, general or local, except that each commissioner shall not be required to make regular monthly inspections of all the roads and bridges anywhere in the County except in his district, and shall not be required to make and file with the Probate Judge a monthly written report showing the roads and bridges inspected by him during the months, or the condition of such roads and bridges and his recommendations concerning each such road or bridge so inspected.

Section 4. Each commissioner shall be furnished transportation by the County at county expense, only on the County's business.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 11, 1951.

Time: 12:15 P. M.

Act No. 199

H. 134—Pfleger, Wilkins, Gallalee

AN ACT

To amend Section 3 of Title 51 of the Code of Alabama, 1940, as amended, which relates to certain exemptions from taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Title 51 of the Code of Alabama, 1940, as amended, is amended to read:

"For the purpose of encouraging the building, extending and operation of plants, industries and factories in this State for the spinning of thread and yarns, the knitting and weaving of cloth and other fabrics of cotton, wool, rayon and silk; the manufacture of garments and wearing apparel; the building and manufacturing of ships, airplanes or airships; the manufacture of bags and wood pulp products; the manufacture of glass, light wood

or metal products, ceramic products, enameled ware and enameled goods, processed silica products, pulp, paper, paper bags and other pulp products, wooden cabinets, and farm implements; the mining of gold, graphite, manganese, salt, sulphur, and tin and the manufacture of their by-products; making and manufacturing cheese, condensed and evaporated milk, or either, and other milk products; creameries and milk cooling stations; and for the manufacture, production or processing of any trade or commercial articles, materials, or supplies whether or not such articles, materials or supplies are specifically named herein; or any industry located within five miles of a rehabilitation colony sponsored by the Rehabilitation Administration of the federal government for the purpose of furnishing employment to the families thus rehabilitated, the court of county commissioners, or other court or board having like jurisdiction of any county, and the constituted authorities of any city or town in which it is proposed to locate, or add to, or to extend any such factories or plants, are authorized and empowered to remit the taxes assessed for all county and municipal purposes, except for any schools and school district purposes, on such plants, industries or factories and on all extensions or additions to such plants, industries or factories as are already built and operating, and on all plants, works, machinery and other equipment of such plants, industries or factories, or additions thereto, or extensions thereof, and also on all of the capital stock of such plants, industries and factories, or increase of such capital stock made for the purpose of making the additions thereto or extensions thereof, for a period of not exceeding ten years from the date of the incorporation or organization of such plants, industries or factories, if incorporated and organized under the laws of the State of Alabama, or for a period not exceeding ten years from the date of being granted permission to do business in the State of Alabama, if a foreign corporation, or from the date of completion of such plant, industry or factory, or from the date of the completion of such addition or extension thereof. Provided, however, that the period of the foregoing exemptions shall not be extended, renewed or in any way added thereto, because of any reincorporation, or reorganization of the original corporation, or the sale of the assets to a different person, firm or corporation. Provided nothing herein shall authorize the exemption of the land on which such plants, industries or factories are located or proposed to be located. Any exemption heretofore granted or attempted to be granted under this section to any factory or plant which would be entitled to an exemption under this section as the same now reads, is hereby validated, ratified and confirmed as to any taxes which may hereafter accrue against or become an obligation or liability of such factory or plant, even though such factory or plant may not have been entitled to an exemption at the time the same was granted or attempted to be granted."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 11, 1951.

Time: 12:10 P. M.

Act No. 200

H. 503—Oden

AN ACT

Relating to Franklin County; authorizing and directing the governing body of the County to provide the installation of radio equipment on the automobiles operated on official business by the Sheriff and his deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Franklin County is hereby authorized and directed to provide for the installation of radio equipment on each automobile operated on official business by the Sheriff or his deputies, the cost thereof to be paid out of any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 13, 1951.

Time: 12:01 P. M.

Act No. 201

H. 504—Oden

AN ACT

Relating to Franklin County; authorizing the sheriff to appoint a deputy sheriff in addition to the deputies heretofore provided by law, fixing his compensation, and providing that the same shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Franklin County is hereby authorized to appoint a deputy in addition to the deputies heretofore authorized by law. Such deputy shall be a resident of and be assigned to the western part of Franklin County; he shall be paid a salary of one hundred seventy-five dollars (\$175) per month. The compensation of such deputy shall be paid by the county out of any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 13, 1951.

Time: 12:03 P. M.

Act No. 202

S. 322—Richardson

AN ACT

To make an appropriation for the purpose of purchasing from the Federal Government, through the Tennessee Valley Authority, that certain property, with improvements thereon, known as the Joe Wheeler State Park Reservation in Lawrence and Lauderdale Counties, Alabama. To acquire through such appropriation the electric distribution system, the water system and sewerage system which serve the said Reservation.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$51,630.00 is hereby appropriated from any money in the State Treasury not otherwise appropriated to be used for the purchase of the land and improvements thereon in Lawrence and Lauderdale Counties, Alabama, which is known as Joe Wheeler State Park Reservation, and which comprises 2,200 acres, more or less. Such appropriation shall also be used to acquire the electric distribution system, the water system and the sewerage system which serve the facilities comprising such Reservation. The funds hereby appropriated shall be paid out of the Treasury of the State of Alabama upon the requisition or order of the Director of Conservation.

Section 2. Any unexpended balance of this appropriation, after purchase of the properties specified in this Act, shall revert to the General Fund of the State Treasury.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 13, 1951.

Time: 12:35.

Act No. 203

S. 377—Fant

AN ACT

Relating to Winston County: To divide Winston County into five road districts; to provide for the appointments to be made from the qualified electors of each district; to add extra, new and additional duties

upon the chairman and associate members of the Winston County Highway Board; to provide compensation for the members of the Board for performing those extra, new and additional duties; to make provision for the payment of such compensation; to provide the effective date of this Act; and to repeal all laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Winston County is hereby divided into five road or highway districts. Beats 1 and 4 are hereby designated as District No. 1; Beats 6, 7 and 8 are designated as District No. 2; Beats 2 and 11 are designated as District No. 3; Beats 3 and 10 are designated as District No. 4; Beats 5 and 9 are designated as District No. 5. The chairman and associate members of the Winston County Highway Board are each hereby declared to be superintendent of a district during his term of office. Clarence Lyle is to be superintendent of District No. 1; Pascal Pratt is to be superintendent of District No. 2; Jack Glenn is to be superintendent of District No. 3; Charles McAfee is to be superintendent of District No. 4; and George Smith is to be superintendent of District No. 5. Hereafter no one shall be appointed a member of the Winston County Highway Board who is not a qualified elector and resident of the District for which he is appointed, and he shall reside in said district continuously during his term of office.

Section 2. In addition to the duties now imposed by law upon the chairman and associate members of the Winston County Highway Board, there is hereby imposed upon such chairman and members the following extra, new and additional duties: each member of the Highway Board, including the chairman, shall be superintendent of a road district; each member shall superintend all the road and bridge work done in his respective district, and shall superintend and manage the transportation of his hands to and from their work; each member shall superintend the upkeep and repair of the machinery used in his respective district, and shall be responsible for the housing and protection of all tools and machinery during the time they are not in actual use; shall appoint overseers, and cause all road hands and work to be apportioned to the several roads within his district.

Section 3. For the performance of the extra, new and additional duties imposed upon the chairman and associate members of the Winston County Highway Board by Section 2 of this Act, the associate members of the Winston County Highway Board shall each be paid out of the Public Road and Bridge Fund of Winston County, Alabama, One Hundred Twenty-five Dollars (\$125.00) per month, in addition to all other compensation now provided for them by law; and the chairman of the Highway Board shall be paid out of such fund Two Hundred Dollars (\$200.00) per month, in addition to all other compensation now provided by law.

Section 4. Should any section, paragraph or portion of this

Act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions thereof.

Section 5. All laws and parts of laws, both general and special, in conflict with the provisions of this Act, be and the same are hereby expressly repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved July 13, 1951.

Time: 3:10 P. M.

Act No. 204

H. 172—Fite (Marion)

AN ACT

To amend Section 25 of Act No. 207 of General Acts of Alabama of 1949, approved July 12, 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 25 of Act No. 207 of General Acts of 1949, approved July 12, 1949, be amended to read as follows:

“Section 25. Authorized Explosives.

(a) Permissible explosives or permissible blasting methods only shall be used in blasting coal or coal and other material in all mines where on shift.

(b) The use of black blasting powder, whether in powder, granular or pellet form, is restricted to those mines using this type of explosive on April 1, 1949, and in no case may it be used for blasting before the end of the shift. Furthermore, in order to continue the use of black blasting powder, each such operator must secure written approval from the Chief of the Division. The Chief, in granting approval, will issue instructions as to storage, transportation, handling, charging, tamping, detonating, and misfire handling. These instructions will be made conditions of the approval, and violations of any of them will be considered violations of this section of the law. Provided, that black powder, granular or pellet, may be used for off-shift blasting in non-gassy mines when and to the extent approved by the Chief subject to the following express conditions which are illustrative of safety standards rather than exclusive enumerations:

(i) The storage handling and use of black blasting powder for blasting in mines is hereby declared dangerous. The Chief shall consider the relative danger in each mine for which approval is sought; (ii) The handling, transportation, and storage of black powder shall be governed by the same provisions restricting permissible explosives except black powder shall be

hauled only on special trips; (iii) Blasting shall be done only after the end of the shift with all men out of the mine, except only the minimum necessary number of men to do the actual shooting. Rock dusting with a generous margin of safety shall be continuously done; (iv) The Chief may by regulation prescribe such further safety standards for black powder blasting including, among others, qualifications of shot firers, methods of detonation (including fuse firing), special misfire rules and the like; and (v) This proviso shall not apply to mines which become gassy or which the Chief or the operator suspect of threatening to become gassy.

(c) Prior to use of Cardox, Airdox, both of which are classed as permissible blasting methods or any other blasting device or method that may later be classed as permissible, the operator must secure written approval from the Chief of the Division. The Chief, in granting approval, will issue instructions as to storage, transportation, handling, charging, tamping, detonating and handling misfires. These instructions will be made conditions of the approval, and violations of any of them will be considered violations of this section of the law.

(d) Prior to use of dynamite or any other non-permissible explosive for blasting in rock tunnels, shafts, etc., the operator must secure written approval from the Chief of the Division. The Chief, in granting approval, will issue instructions as to storage, transportation, handling, charging, tamping, detonating and handling misfires. These instructions will be made conditions of the approval, and violations of any of them will be considered violations of this section of the law.

(e) Provided the provisions of this Section 25 shall in no wise apply to the non-gaseous domestic coal mines in counties having a population of not less than 20,000 nor more than 28,500 according to the last or any subsequent federal census, in which counties the fuse-firing and electric-squib-firing of black pellet powder shall be permitted either on shift or off shift.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall take effect upon its approval by the Governor or its otherwise becoming a law.

This Act was presented to the Governor who did not sign it. It became a law under Section 125 of the Constitution, being filed in the office of the Secretary of State at 8:12 A. M. on July 16, 1951.

Act No. 205

H. 159—Merrill

AN ACT

Proposing an amendment to Article 12, Section 232 of the Constitution of Alabama and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of Article 12, Section 232 of the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor:

AMENDMENT

"Section 232. No foreign corporation shall do any business in this State without having at least one known place of business and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association. The venue of suits against such corporation shall be the same as fixed by general law for suits against domestic corporations, and such corporation may be sued by service of process upon an agent anywhere in the State. The Legislature shall also by general law provide for the payment to the State of Alabama of a franchise tax by such corporation, and such franchise tax shall be based on the actual amount of capital employed in this State. Strictly benevolent, educational, or religious corporations shall not be required to pay such a tax."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 19, 1951.

Passed the Senate July 17, 1951.

AN ACT

To amend Title 51, Section 693, Code of Alabama 1940, to provide for the general revenue; and to further provide that payment of the license tax on a declining monthly basis as provided for therein, shall also extend to automobile brought into the State subsequent to November 15; and to allow four days within which to purchase a tag.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 693 of Title 51, Code of Alabama 1940, be and the same is hereby amended to read as follows:

Section 693. LICENSE AND REGISTRATION FEES; PRIVATE CARS.—The following license and registration fee shall be charged on automobiles and motor cars kept for private use: (a) For each automobile or motor car weighing two thousand pounds or less—five dollars; (b) more than two thousand pounds and not exceeding twenty-five hundred pounds—nine dollars; (c) more than twenty-five hundred pounds and not more than thirty-two hundred and fifty pounds—thirteen dollars; (d) more than thirty-two hundred and fifty pounds—eighteen dollars. Provided, however, that for new and used automobiles acquired or brought into the state subsequent to November fifteenth in any tax year these licenses shall be purchased on a monthly declining basis of one-twelfth, or for each month of the tax year, and that the purchaser shall only buy a license for the then remaining months of the tax year. In figuring the license on a one-twelfth reduction for each month, the amount of any fraction shall be figured to the nearest ten cents above the fraction thereof, but in no event shall the price of license tag be less than two dollars. Provided, the word “weight” for purpose of computing the license tax payable hereunder, shall be deemed to mean the weight of the vehicle including weight of the bumpers, spare tires, horn, trunk and tools, and all equipment customarily or generally used, whether same be installed on the motor vehicle before shipment or delivery by the factory, or before or after delivery by the automobile dealer; (e) for each electric automobile other than truck—twelve dollars; (f) for each automobile propelled by steam—eighteen dollars; (g) for each motorcycle—four dollars; (h) for each motorcycle with side car attached—five dollars. Where the motorcycle is acquired or brought into the state on or after January first, or is not used prior to January first, the license shall be—three dollars. Where the motorcycle is acquired or brought into the state after April first, or is not used prior to April first, the license shall be two dollars and fifty cents. Where the motorcycle is acquired or brought into the state after July first, or is not used prior to July first, the license shall be two dollars. Provided, however, that the license tags for such automobile or motorcycle shall remain with such automobile or motorcycle for the remainder of the current tax year, and that before any private au-

tomobile or any motorcycle shall be used on any public highway the proper license tag therefor must be procured and securely attached to the rear and front end of the automobile, or the rear of a motorcycle, and which are to be securely attached right side up with the number thereof in an upright position and the numbers thereof plainly visible.

The purchaser of any motor vehicle requiring a tag shall have four days within which to purchase said tag or tags from the date acquired.

Section 2. That if any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. That this Act shall take effect immediately after its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:01 P. M.

Act No. 207

H. 190—Ward

AN ACT

To amend Title 51, Section 705, as amended, Code of Alabama 1940, to provide for the general revenue; and further by eliminating that part of Section 705, as amended, which provides for a half-year license for cars brought into the State.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 705 of Title 51, Code of Alabama 1940, be and the same is hereby amended to read as follows:

Section 705. AMOUNT OF LICENSE FOR PART OF YEAR; PLACEMENT OF LICENSE TAGS.—One-half of the license herein provided for shall be paid plus one dollar where the motor vehicle is stored in this state and not used or operated between the period from October first through March thirty-first following. The payment of the registration fee or license tax on motor vehicles or trailers shall be evidenced by the delivery to the party paying the same of numbered license tags which shall be placed in a conspicuous place, in an upright position, right side up, on the rear and front of the automobile, when a semi-trailer truck is operated, one tag on the rear of the semi-trailer. It shall be a misdemeanor, punishable by a fine of not less than ten dollars and not exceeding twenty-five dollars for each offense, to display the tag in any other place or in any other manner than as herein provided. The department of revenue shall provide tags for all motor vehicles, and shall also provide receipts in triplicate,

one of which shall be retained by the probate judge, one shall be delivered to the person paying the license fee, and one legible copy shall be mailed by the probate judge to the department of revenue on the day the license was issued. Every part of each receipt shall bear the same number as the tags delivered to the licensee. These receipts shall be prepared in the form to be determined by the department of revenue and delivered to the probate judges of the several counties of the state, under such rules and regulations as may be prescribed by the department of revenue; and the department of revenue shall have power to prescribe rules and regulations concerning the application for and delivery to the licensee of the tags and receipt required by this article. Provided, however, that the automobile licensee shall be required to state in his application where he proposes to use his automobile, whether for private use or for commercial purposes. The tags furnished for commercial vehicles, except those used or rented by a U-Drive-It or similar system, shall be of a different design from those used for private or pleasure cars. In applying for license for buses, taxicabs, U-Drive-Its, or like motor vehicles, or jitney-buses, such application shall give the seating capacity and the weight of the vehicle.

Section 2. That if any section, clause, provision, or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not of itself invalid or unconstitutional.

Section 3. That this Act shall take effect immediately after its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:04 P. M.

Act No. 208

H. 208—Meeks

AN ACT

To provide, at the election of individual taxpayers, for taxable years beginning on or after January 1, 1951, certain deductions to individual taxpayers in lieu of certain deductions heretofore provided, limiting same to 7% of the adjusted gross income or \$500.00, whichever is the lesser; and to provide in addition thereto a deduction for federal income taxes paid or accrued within the taxable year; and to provide a ratio for the deduction of federal income taxes paid or accrued by non-resident taxpayers within the taxable year on the basis of adjusted gross income received from sources within Alabama to adjusted gross income from all sources; and to provide that exercise of the election to claim the deduction provided for herein is irrevocable; and to provide that if separate returns are filed by husband and wife and one elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein; and further to define the term "adjusted gross income"

as used herein; and to provide that this act shall become effective January 1, 1951 for the taxable years beginning on or after January 1, 1951.

Be It Enacted by the Legislature of Alabama:

Section 1. That in lieu of the deductions allowable to individual taxpayers, as provided in Section 385, (b), (c), (e), (f) and (j), of Title 51, of the 1940 Code of Alabama, and in Section 385 (l) of Title 51, of the 1940 Code of Alabama, for the taxable years beginning on or after January 1, 1951, at the election of the taxpayer a deduction may be taken, not to exceed 7% of the adjusted gross income or \$500.00, whichever is the lesser, from the adjusted gross income received from sources within the State of Alabama, and in addition to said deduction, a deduction for the amount of federal income tax paid or accrued within the taxable year, provided, however, that in the case of a non-resident taxpayer the amount of federal income tax apportioned to Alabama shall be determined by the ratio that the amount of adjusted gross income received from sources within the State of Alabama bears to the amount of adjusted gross income received from sources within and without the State of Alabama.

Section 2. Provided that the exercise of the election to take the deduction provided for herein is irrevocable for the taxable year for which made and cannot be changed after the time prescribed by law for filing the income tax return; and further, that if separate returns are filed by husband and wife and one spouse elects to claim the deduction allowed herein, the election to claim such deduction will be denied unless the other spouse also elects to claim the deduction allowed herein.

Section 3. The term "adjusted gross income" as used herein shall mean the gross income as defined by Section 384, of Title 51, of the 1940 Code of Alabama less: (A) The deductions allowed in Section 385, of Title 51, of the 1940 Code of Alabama which are attributable to a trade or business carried on by the taxpayer if such trade or business does not consist of the performance of services by the taxpayer as an employee: (B) Travel expenses (including the entire amount expended for meals and lodging) while away from home in the pursuit of a trade or business; (C) The deductions allowed by Section 385, Title 51, of the 1940 Code of Alabama (other than expenses of travel, meals, and lodging while away from home) which consist of expenses paid or incurred by the taxpayer, in connection with the performance by him of services as an employee, under a reimbursement or other expense allowance arrangement with his employer: (D) The deductions, other than those provided in paragraph (A), (E) and (F) hereof, allowed by Section 385 of this title and which are attributable to property held for the production of rents or royalties: (E) The deductions (other than those provided in paragraph (A)) for depreciation and depletion, allowed by Section 385, (h) and (i), Title 51, of the 1940 Code of Alabama to a life tenant of

property or to an income beneficiary of property held in trust: (F) The deduction (other than those provided in paragraph (A)) allowed by Section 380, Title 51, of the 1940 Code of Alabama as losses from the sale or exchange of property.

Section 4. This Act shall become effective January 1, 1951, for the taxable years beginning on or after January 1, 1951, upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:06 P. M.

Act No. 209

H. 233—Harrison (Shelby), Russell, White
(Covington), Merrill

AN ACT

To amend Title 51, Article 11, Section 788 of the Code of Alabama of 1940, as amended by Act No. 428, approved July 9, 1945, which relates to rate of use tax.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 51, Article 11, Section 788 of the Code of Alabama of 1940, as amended by Act No. 428, approved July 9, 1945, be, and the same is hereby amended to read as follows:

“Section 788. Property taxed; persons liable.—(a) An excise tax is hereby imposed on the storage, use or other consumption in this State of tangible personal property purchased at retail on or after the first of March 1939, for storage, use or other consumption in this State at the rate of three percent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in this State, except as provided in subsection (b) of this section. (b) An excise tax is hereby imposed on the storage, use, or other consumption in this state of any new or used automotive vehicle, truck trailer or semi-trailer purchased at retail on or after the effective date of this article for storage, use or other consumption in this state at the rate of one per cent of the sales price of such automotive vehicle, truck trailer or semi-trailer. Every person storing, using or otherwise consuming in this State tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this State; provided, however, that a receipt from a retailer maintaining a place of business in this State or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this State, given to the purchaser in accordance with the provisions of section 791 of this title, shall be suf-

ficient to relieve the purchaser from further liability for a tax to which such receipt may refer."

Section 2. That this Act shall become effective October 1, 1951.

Approved July 17, 1951.

Time: 12:03 P. M.

Act No. 210

H. 318—Russell, Harrison (Shelby), Merrill

AN ACT

To amend Section 776, Title 51, Article 10, Chapter 20, Code of Alabama 1940, as amended by Act No. 56, General Acts of Alabama 1947, page 24, approved July 7, 1947.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 776, Title 51, Article 10, Chapter 20, Code of Alabama 1940, as amended by Act No. 56, General Acts of Alabama 1947, approved July 7, 1947, be amended so as to read as follows:

"Section 776. TAX BRACKETED TO BE ADDED TO PURCHASE PRICE; REFUND UNLAWFUL; PENALTY. — Every person, firm, corporation, association, or co-partnership engaged in or continuing within this state in the business for which a license or privilege tax is required by this article shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds of which there is levied by this article a sales tax at the rate of three (3) per cent an amount equal to the following: No amount on sales of 10 cents or less; 1 cent on sales of 11 cents to and including 49 cents; 2 cents on sales of 50 cents to and including 84 cents; 3 cents on sales of 85 cents to and including one dollar 16 cents; 1 cent additional for each additional 33-1/3 cents or fraction thereof on sales in excess of one dollar 16 cents. Provided, however, that upon all sales the gross receipts or gross proceeds of which are taxed by this article at the rate of one per cent, there shall be added to the sales price and collected from the purchaser by such person, firm, corporation, association, or co-partnership described in this section an amount equal to one percent of such sales price. It shall be unlawful for any person, firm, corporation, association, or co-partnership described in this section to fail or refuse to add to the sales price and collect from the purchaser the amount required by this section to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association, or co-partnership violating

any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than fifty dollars nor more than one hundred dollars, or may be imprisoned in the county jail for not more than six months or by both such fine and imprisonment, and each act in violation of the provisions of this article shall constitute a separate offense. The provisions of this section that there shall be added to the sales price and collected from the purchaser the amounts provided herein shall in no way relieve the person, firm, corporation, association, or co-partnership described in this section of the tax levied by this article; nor shall the inability, impracticability, refusal, or failure to add to the sales price and collect from the purchaser the amounts provided herein relieve such person, firm, corporation, association, or co-partnership from the tax levied by this article."

Section 2. That this Act shall become effective October 1, 1951.

Approved July 17, 1951.
Time: 12:07 P. M.

Act No. 211

H. 465—Fite (Walker), Black

AN ACT

To fix the salaries of the two jailors for Walker County, Alabama, who are now being paid out of the general funds of Walker County, Alabama, and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That the salaries of the two jailors for Walker County, Alabama, who are now being paid out of the general funds of the county shall be the sum of \$200.00 a month each, payable on the first day of each calendar month. Such salaries shall be paid in the same way and manner as the salaries of the jailors are now being paid.

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective on the first day of the first calendar month next after its passage and approval.

Approved July 17, 1951.
Time: 12:19 P. M.

Act No. 212

H. 466—Fite (Walker), Black

AN ACT

To fix the salaries of the chief deputy sheriff and the two other deputies sheriff for Walker County, who are now being paid out of the

general funds of Walker County and to repeal all laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. That the salary of the chief deputy sheriff for Walker County, Alabama, who is now being paid out of the general funds of said county shall be the sum of \$325.00 a month and the salaries of the two other deputies sheriff who are now being paid out of the general funds of Walker County, Alabama, shall be \$275.00 a month each. All such salaries shall be payable on the first day of each calendar month in the same way and manner as such deputies salaries are now being paid.

Section 2. All laws and parts of laws in conflict herewith are hereby repealed.

Section 3. This Act shall become effective on the first day of the first calendar month next after its passage and approval.

Approved July 17, 1951.

Time: 12:20 P. M.

Act No. 213

H. 530—Taylor, Wesley

AN ACT

To impose additional duties on the County Solicitor of Butler County, Alabama, and to provide additional compensation to the County Solicitor of Butler County, Alabama, for the performance of such duties, and to provide the mode of payment of such additional compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to performing all other duties now imposed by law, the County Solicitor of Butler County, Alabama, shall perform the duties of and act as Coroner for Butler County, Alabama.

Section 2. For the performance of such additional duties herein required and placed upon said County Solicitor, the County Solicitor of Butler County, Alabama, shall receive as additional compensation therefor the sum of twelve hundred dollars per year to be paid out of the General Funds of the County, in twelve equal monthly installments in the same manner as the salary of the said County Solicitor of Butler County, Alabama, is now paid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved July 17, 1951.

Time: 12:20 P. M.

Act No. 214

H. 540—Miller, Hawkins (Etowah)

AN ACT

To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Begin at the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) in Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian, Etowah County, Alabama, and from thence run in a Southerly direction and along the East line of said Section Seventeen (17) and the East line of Section Twenty (20), Township Eleven (11) South of Range Six (6) East of Huntsville Meridian to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-one (21), Township Eleven (11) South, Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty One (21); thence along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-one (21), and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty one (21) and along the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-eight (28), Township Eleven (11) South, Range Six (6) East of Huntsville Meridian to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-eight (28), thence in an Easterly direction and along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28) to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twenty-eight (28) and along the East line of the West Half ($W\frac{1}{2}$) of Section Thirty-three (33), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northwest corner of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33); thence in an Easterly direction

and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33) and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Thirty-four (34), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-four (34); thence Northerly along the West line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the said Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner thereof; thence Northerly along the West line of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner of said Section, which is also the Southwest corner of Section Twenty-six (26), Township Eleven (11) South, of Range Six (6) East; thence Northerly along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty six (26) to the Northwest corner thereof; thence Easterly along the North line of the said Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty six (26) to the Northeast corner thereof; thence Northerly along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-six (26) to the Northwest corner thereof; thence Easterly along the North line of Sections Twenty six (26) and Twenty five (25) to the Northeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty five (25); thence Southerly along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty five (25) to the Southeast corner thereof; thence Westerly along the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty five (25) to the Southwest corner thereof; thence Southerly along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty five (25), and the East line of the West Half ($W\frac{1}{2}$) of the West Half ($W\frac{1}{2}$) of Section Thirty six (36) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-six (36), Township Eleven (11) South, of Range Six (6) East; thence Westerly along the South line of Section Thirty six (36) and Section Thirty-five (35), Township Eleven (11) South of Range Six (6) East to the Southwest corner of said Section Thirty five (35), which is also the Northeast corner of Section Three (3); thence Southerly along the East line of Section Three (3), Township Twelve (12), South, of Range Six (6) East to a point where said line intersects the South bank of Coosa River; thence Southeasterly along the South bank of Coosa River to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, of Range Six (6) East intersects the South bank of Coosa

River at low water mark; thence Southerly along the East line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Twelve (12) to the Southeast corner thereof; thence Easterly along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) and the North line of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twelve (12) to the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twelve (12); thence Southerly along the East line of Section Twelve (12) and Thirteen (13), Township Twelve (12) South, of Range Six (6) East to where said line intersects the Cherokee Indian Boundary line; thence in a Southeasterly direction and along said Indian Boundary line to the Northeast corner of Section Nineteen (19), Township Twelve (12) South, of Range Seven (7) East of Huntsville Meridian; thence in a Southerly direction and along the East line of said Section Nineteen (19) to the Southeast corner of said Section Nineteen (19) and to the corporate line of the Town of Glencoe as shown by a map thereof recorded in Final Record "V" page 114, in the Probate Court, Etowah County, Alabama; thence in a Westerly direction and along the South line of said Section Nineteen (19) and along the corporate line of the Town of Glencoe to where the corporate line of the Town of Glencoe turns in a Northwesterly direction; thence in a Northwesterly direction and along the corporate line of the Town of Glencoe to where said corporate line turns in a Southerly direction and along the corporate line of the Town of Glencoe to a point in the South line of said Section Nineteen (19), thence in a Westerly direction and along the South line of said Section Nineteen (19) to the Southwest corner of said Section Nineteen (19); thence in a Northerly direction and along the West line of said Section Nineteen (19) to the Southwest line of the Gadsden and Anniston Highway, as shown by the map of McCord's Subdivision recorded in Plat Book "D", page 119, Probate Office, Etowah County, Alabama; thence in a Northwesterly direction and along the Southwest line of said Highway to the South line of the North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Twenty-four (24), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Twenty-four (24) and along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty-four (24) to a point in the Northeast line of Keeling Road; as shown by the map of Hadley Farms recorded in Plat Book "B", page 236, in said Probate Office; thence in a northwesterly direction and along the Northeast line of the Keeling Road to the Indian Boundary line; thence in a Northwesterly direction and along the Indian Boundary line to the Southwest corner of the Northeast part of the Southeast Fractional Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Six (6) East of Hunts-

ville Meridian; thence in a Northerly direction and along the West line of said Northeast part of the Southeast Fractional Quarter in said Section Fourteen (14) to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Fourteen (14); thence in a Westerly direction and along the South line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Fourteen (14) to the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14); thence in a Northerly direction and along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Fourteen (14) a distance of 495 feet; thence in a Westerly direction and parallel with the South line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the west line thereof; thence Northerly and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14) to the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14); thence in a Westerly direction and along the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14) to the West line of said Section Fourteen (14); thence Southerly along the West line of Section Fourteen (14), which is the East line of Section Fifteen (15) to a point four hundred ninety-two (492) feet south of the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15), thence South thirty-four (34) degrees thirty-seven (37) minutes West, along the East lines of Lots Eighteen (18) and Nineteen (19) of Block Seven (7) of the Crestview Land Company Addition, two hundred (200) feet, thence North fifty (50) degrees thirteen (13) minutes West along the South boundary of the Crestview Land Company Addition one thousand six hundred seventy eight (1678) feet, thence North twenty-seven (27) degrees twenty-two (22) minutes East along the Northwest boundary of the Crestview Land Company Addition to a point on the North and South center line of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fifteen (15), where said Northwest boundary of Crestview Land Company Addition intersects center line; thence Northerly along the said center line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15) to the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15), which is the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10) Township Twelve (12) South, of Range Six (6) East; thence in a Westerly direction and along the South line of said Section Ten (10) and along the South line of Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of Government Lot Number Three (3) in Section Sixteen (16), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Southerly direction and along the East lines of Government Lots

Numbers Three (3), Six (6), Nine (9) and Eleven (11) and said lines extended to the South bank of Big Wills Creek, thence in an Easterly direction and down the South Bank of said Creek to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-one (21), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian, produced Northerly, intersects said Creek bank; thence Southerly and along the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty-one (21), and said line produced in a Northerly direction, to a point in the Northwest right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Southwesterly direction and along the Northwest right-of-way line of said highway to the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21); thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty one (21) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty one (21); thence in an Easterly direction and along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty eight (28), Township Twelve (12) South, Range Six (6) East of Huntsville Meridian, to the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21); thence in a Northerly direction and along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21) to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one; thence in an Easterly direction and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21) to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21); thence in a Southerly direction and along the East line of said Section Twenty one (21) to the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21); thence in a Westerly direction and along the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty one (21) to the Northeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), Section Twenty-eight (28), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian; thence in a Southerly direction and along the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-eight (28) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Westerly direction and along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty eight (28) to the Northeast corner of the Northeast Quarter of the Southwest Quarter ($SW\frac{1}{4}$) of

said Section Twenty eight (28); thence in a Southerly direction and along the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty eight (28) to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty eight (28); thence in a Westerly direction and along the South line of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty eight (28) to the Southwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty eight (28); thence in a Northerly direction and along the West line of said Section Twenty eight (28) to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty eight (28), thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty eight (28) for a distance of Two Hundred and Thirty-two (232) feet to the West line of a certain Street; thence in a Northeasterly and Northwesterly direction and along the West line of said Street to a point in the Southeast right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive; thence in a Northeasterly direction and along the Southeast right-of-way line of said highway to the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), Section Twenty one (21), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian; thence in a Westerly direction and along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-one (21) to the Southwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) Section Twenty one (21), Range Six (6) East, Township Twelve (12) South, East of Huntsville Meridian; thence Northerly and along the West line of said Section Twenty-one (21) to the Southerly bank of Big Will Creek; thence in a Northeasterly and Easterly direction and along the Southerly bank of said Creek to a point which is two hundred (200) feet West, drawn on a line parallel with the North line of Section Sixteen (16) hereinbefore mentioned, from where the East line of Government Lot Number Eleven (11) in said Section Sixteen (16), if produced in a Southerly direction, would intersect the South bank of said Creek; thence in a Northerly direction and parallel with the East lines of Government Lots Numbers Eleven (11), Nine (9), Six (6) and Three (3) in said Section Sixteen (16) and parallel with the East line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to a point in the South line of the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Nine (9); thence in a Westerly direction and along the South line of the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Nine (9) to the Southwest corner thereof; thence Northerly and along the

West line of the North Half ($N\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Nine (9) to the Southeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Nine (9); thence in a Westerly direction and along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Nine (9) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) Section Eight (8) to the Southwest corner of said Northeast Quarter ($NE\frac{1}{4}$) of Southeast Quarter ($SE\frac{1}{4}$) of said Section Eight (8), which is also the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Eight (8); thence Southerly along the East line of said Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Eight (8) and along the East lines of Lots or Fractions Two (2) and Seven (7), Section Seventeen (17) to the Southeast corner of Lot or Fraction Seven (7); thence Westerly along the South line of Lot or Fraction Seven (7); Section Seventeen (17) to the Southwest corner thereof; thence Northerly along the West line of said lot or Fraction Seven (7) to the Northwest corner thereof; thence Westerly along the South line of Lots or Fractions Three (3) and Four (4) of Section Seventeen (17) and the South lines of Lots or Fractions One (1) and Two (2), Section Eighteen (18) to the Southwest corner of said Lot or Fraction Two (2); thence Northerly along the West line of said Lot or Fraction Two (2) to the Northwest corner thereof; said point being in the division line between Sections Seven (7) and Eighteen (18); thence Westerly along the South line of Section Seven (7) to the Southwest corner thereof; thence Northerly along the West line of Lot or Fraction Thirteen (13) to the Northwest corner of said Lot or Fraction Thirteen (13) of said Section Seven (7) which is also the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12); Township Twelve (12) South, of Range Five (5); thence Westerly along the South line of the said Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof; thence Northerly along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12), to the Northwest corner thereof; thence West along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof which is the Southeast corner of Lot or Fraction "A" otherwise known as the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, Range Five (5) East of Huntsville Meridian, and from thence run Southerly and along the East line of Fraction "C" in said Section Twelve (12) to the Southwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twelve (12); thence West and along the South line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twelve (12) extended

in a Westerly direction across said Fraction "C" to a point in the West, or Southwest bank of Big Wills Creek; thence Northerly and Northwesterly up and along the West, or Southwest bank of Big Wills Creek to a point which is 140 feet Southeast of, and at right angles to, the center line of the Eighty (80) foot strip as described in a deed from the United States of America to Etowah County Alabama, dated Twenty-fifth of February, 1948, and recorded in Record Book "361" page 153, Probate Office, Etowah County, Alabama; thence South Thirty nine (39) degrees eighteen' (18) West and parallel with the center line described in said deed above mentioned to a point in the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twelve (12); thence Southerly and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twelve (12) and along the East line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in Section Thirteen (13) Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to the Southeast corner of said Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Thirteen (13); thence in a Westerly direction and along the South line of the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Thirteen (13) and along the South line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point in the West line of what is known as the "Airport" Road; thence Southerly and along the West line of said "Airport" Road to a point where the West Right-of-way line of said "Airport" Road intersects the Northerly Right-of-way line of what is known as the "Steel Station" Road; thence West-erly and Southwesterly and along the Northerly Right-of-way line of said "Steel Station" Road to where said Right-of-way line intersects the dividing line between Sections Twenty six (26) and Twenty Seven (27), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian; thence Northerly and along said Section line to the Southeast Corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty seven (27); thence Westerly and along the South line of said Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty Seven (27) to the Southwest corner thereof; thence North and along the West line of said Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-seven (27) and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty Two (22); Town-ship Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to the Northwest corner of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty two (22); thence East and along the North line of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Twenty two (22) to the Northeast corner thereof which said last men-tioned point is in the West line of Section Twenty Three (23),

Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian; thence North and along the West line of said Section Twenty three (23) a distance of one-half ($\frac{1}{2}$) mile to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty three (23) thence East and along the North line of said Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in Section Twenty three (23) to the Northeast corner thereof; which is also the Southwest corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty three (23); thence Northerly and along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty-three (23) and along the West line of the East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) and the East Half ($E\frac{1}{2}$) of the Northwest Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point of intersection with the North Right-of-way line of Highway from Morgan's Cross Roads to Camp Sibert; thence in a Westerly direction and along the North Right-of-way line of said Highway last mentioned, to where the same intersects the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Fifteen (15), Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, Alabama; thence North and along the West line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Fifteen (15) and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Ten (10), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian to the Northwest corner of said Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Ten (10); thence East and along the North lines of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Ten (10) and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) and the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, Alabama, and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twelve (12) to a point which is One Hundred Forty (140) feet Northwest of, and at right angles to, the center line of the Eighty (80) foot strip described in the deed from the United States of America to Etowah County, Alabama, dated the 25th of February, 1948, and recorded in record Book "361" page 153, hereinbefore mentioned; thence North Thirty Nine (39) degrees Eighteen (18) Minutes East and parallel with said center line to a point in the West line of Lot or Fraction, "C" in Section Twelve (12) Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, Alabama, thence Northerly and along the West line of Lots, or Frac-

tions, "C" and "A" in said Section Twelve (12) to the Northwest corner of said lot, or Fraction "A", which said point is in the present City limits of the City of Gadsden; thence West along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section One (1), Township Twelve (12) South, Range Five (5) East to the Southwest corner thereof; thence Northerly and along the West line of said Section One (1) to the Northwest corner thereof; which is also the Southeast corner of Section Thirty five (35), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian; thence in a Westerly direction and along the South line of said Section Thirty five (35) to the East bank of Little Wills Creek; thence in a Northerly and Northeasterly direction up the East bank of Little Wills Creek to the North line of said Section Thirty five (35); thence in an Easterly direction and along the North line of said Section Thirty five (35) and along the North line of Section Thirty six (36), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian and along the North line of Section Thirty one (31), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the North and South center line of Section Thirty (30), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the North and South center line of said Section Thirty (30) to a point in the South line of Section Nineteen (19), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Nineteen (19) to the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Nineteen (19); thence Northerly and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Nineteen (19) to the Northwest corner thereof thence Easterly and along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Nineteen (19) to the West line of Section Twenty (20) Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the West line of said Section Twenty (20) to the Northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Twenty (20) to the Southwest corner of the East Half (E $\frac{1}{2}$) of the Northwest Quarter in said Section Twenty (20); thence in a Northerly direction and along the West line of the East Half (E $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty (20) to the South line of Section Seventeen (17) Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Seventeen (17) to the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Seventeen (17); thence in a Northerly direction and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) in said Section Seven-

teen (17) to the Northwest corner thereof; thence in an Easterly direction and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17) to the point of beginning, save and except the property on which the new Glencoe High School is located, beginning at a point seventy-five (75) feet South of where the center line of Baldwin Street projected easterly would intersect with the East line of Section 19, Township 12 South of range 7 East; thence South Eighty-eight (88) degrees Ten (10) minutes West and parallel with the said Baldwin Street Two Hundred Seventy-five (275) feet to a point Sixty (60) feet East of the center line of the Railroad spur; thence South Eight (8) Degrees thirty-six (36) minutes West One Hundred (100) feet; thence South Sixteen (16) Degrees Forty-four (44) Minutes West One Hundred (100) feet; thence South Twenty Seven (27) Degrees Twenty-five Minutes West One Hundred (100) feet; thence South Thirty-seven (37) Degrees Twenty five (25) Minutes West One Hundred (100) feet; thence South Forty-seven (47) degrees Three (3) Minutes West One Hundred (100) feet; thence South Forty eight (48) Degrees Forty Three (43) Minutes West One Hundred (100) feet; thence South Fifty Nine (59) Degrees Forty four (44) Minutes West Eighty One and Five Tenths (81.5) feet to a point Thirty (30) feet East of the center line of Rains Avenue; thence South One (1) Degree Fifty (50) Minutes East along the East line of Rains Avenue Eleven Hundred Fifty Six and Five-tenths (1156.5) feet more or less to the South line of Section 19; thence North Eighty eight (88) Degrees Ten (10) Minutes East along the South line of said Section 19 Six Hundred Sixty and Five-tenths (660.5) feet more or less to the Southeast corner of said Section 19 Township 12 South of Range 7 East; thence North One (1) Degree Fifty (50) Minutes West along the East line of said Section 19 Sixteen Hundred Eighty-three (1683) feet more or less to point of beginning; all being in the Southeast Quarter ($SE\frac{1}{4}$) of Section 19, Township 12, South of Range Seven (7), East of Huntsville Meridian, containing Twenty and Seventy five Hundredths (20.75) acres, all in Etowah County, Alabama.

Section 2. That the boundaries set out in Section One (1) of this Act be, and the same are hereby established as the corporate limits of said City of Gadsden, Etowah County, Alabama, and all the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special, and local, in conflict with this Act be, and the same are hereby repealed.

Section 4. That this act shall go into effect immediately upon its approval by the Governor.

Approved July 17, 1951.

Time: 12:09 P. M.

Act No. 215

H. 558—Hardy, Molette and Givhan

AN ACT

To fix, regulate and alter the employment allowances, and compensation of the employees in the office of Judge of Probate, Sheriff, Tax Collector, Tax Assessor, Clerk of the Circuit Court, and Register in Chancery of Dallas County, Alabama, as provided in Article XLVI of the Constitution of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other sums now provided by law, The Court of County Revenues of Dallas County, Alabama is hereby authorized and empowered to expend from the general fund of the County, for efficient operation of the offices of Judge of Probate, Sheriff, Tax Collector, Tax Assessor, Clerk of the Circuit Court and Register in Chancery of Dallas County, Alabama and for increasing the salaries or compensation of the clerks, deputies and assistants and for employing additional help in said offices, any amounts deemed to be reasonable and necessary by said Court of County Revenues of Dallas County, Alabama.

Section 2. That this Act is under the authority of and in accordance with Article XLVI of the Constitution of Alabama; and all provisions of laws passed heretofore relating to this subject, except as herein amended, are continued in force.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:23 P. M.

Act No. 216

H. 560—Harrison (Wilcox), Oakley

AN ACT

To create the office of County Solicitor of Wilcox County, Alabama; to fix the qualifications of the County Solicitor of such county; to provide for his election, term of office, and the method of appointment in the event of a vacancy; to define his powers and duties; to fix his salary; and to authorize the county governing body of such county to provide him with office space and necessary equipment and supplies, including office furniture, telephone, typewriter, stationery, and stamps.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created the office of County Solicitor of Wilcox County, Alabama.

Section 2. That the County Solicitor shall be a person learned in the law who has been admitted to practice law in the State of Alabama and is a qualified elector of Wilcox County. The Coun-

ty Solicitor shall, during his term of office, maintain an office at the county seat of Wilcox County, which shall be open to the public for the transaction of official business at all hours when the office of the judge of probate is open for the transaction of business.

Section 3. That the first County Solicitor of Wilcox County shall be Joe M. Bonner, and he shall hold office until midnight of the first Monday after the second Tuesday in January, 1953. His successor shall be elected by the qualified electors of Wilcox County at the general election to be held on the first Tuesday after the first Monday in November, 1952, and every six years thereafter, and he shall hold office for a term of six years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified.

Section 4. That in the event of a vacancy in the office of County Solicitor of Wilcox County from any cause, it shall be the duty of the Judge of Probate of the county to notify the Circuit Solicitor of the Judicial Circuit in which Wilcox County is located, and the vacancy shall be filled by appointment of such Circuit Solicitor. The person appointed to fill such vacancy shall hold office until the next general election for any state officer held at least six months after the vacancy occurs, and until his successor is elected and qualified. His successor shall be chosen at such election and shall hold office for the unexpired term, and until his successor is elected and qualified.

Section 5. That it shall be the duty of the County Solicitor of Wilcox County to represent the State of Alabama in all criminal cases in the Inferior Court of the County in all preliminary proceedings, in all applications for bail, in all habeas corpus proceedings, in all other criminal proceedings in the county requiring the services of a prosecuting attorney, and in all cases in the juvenile court of the county; to attend coroner's inquests; to examine witnesses and select such witnesses as in his judgment should be and appear before the courts of the county in preliminary proceedings, applications for bail, or habeas corpus proceedings, and before the grand jury of the county; to aid and act for the Circuit Solicitor of the Judicial Circuit in which Wilcox County is located before the grand jury and in all matters in the Circuit Court of the county when requested to do so by the Circuit Solicitor; to perform all of the duties of such Circuit Solicitor in his absence when called upon to do so by the county governing body of Wilcox County, to represent Wilcox County in all litigation in which it is engaged, and to perform such other duties as may be required by law. The County Solicitor shall have all the powers and shall perform all the duties which are now or which may hereafter be conferred on or imposed upon deputy solicitors in this State. He shall not represent or defend as attorney any defendant in any criminal case in any court of the State of Alabama or the United States.

Section 6. That the County Solicitor of Wilcox County shall receive a salary of \$2,400.00 per annum to be paid out of the general fund of the county in twelve equal installments, in the same manner as the salary of the deputy solicitor of the county was paid prior to the abolishment of the office of deputy solicitor in said county. The salary provided for the County Solicitor by this Act shall be his total compensation, any act general, local, or special, to the contrary notwithstanding.

Section 7. That the County governing body of Wilcox County shall furnish the County Solicitor of Wilcox County with adequate and suitable office space, and to provide him with such equipment and supplies including office furniture, telephone, typewriter, stationery and stamps, as necessary for the proper and efficient discharge of the duties of his office. If said county governing body of Wilcox County is unable to provide adequate and suitable office space for said County Solicitor, in such event the county governing body of Wilcox County shall pay the sum of \$12.50 per month rent on another office for said County Solicitor.

Section 8. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 9. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:15 P. M.

Act No. 217

H. 561—Harrison (Wilcox), Oakley

AN ACT

To abolish the office of deputy solicitor in Wilcox County, Alabama.
Be It Enacted by the Legislature of Alabama:

Section 1. That the office of deputy solicitor in Wilcox County, Alabama, be and the same is hereby abolished.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:07 P. M.

Act No. 218

H. 586—Thomason

AN ACT

Relating to Calhoun County: To fix the salaries and allowances of certain county officers; providing for office space and equipment for them; and repealing Section 3 of Act No. 185, H. 498, approved July 24, 1947 (Local Acts of Alabama, 1947, page 101), as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Calhoun County shall receive the following annual salaries and allowances, in lieu of all other compensation:

(a) Probate Judge—salary: \$7,200, clerk hire allowance: \$19,600.

(b) Tax Assessor—salary: \$6,000, clerk hire allowance: \$10,800.

(c) Tax Collector—salary: \$6,000, clerk hire allowance: \$6,800.

(d) Sheriff—salary: \$6,000, allowance for paying subordinates: \$39,980.

Section 2. All fees, commissions, allowances, percentages, charges and costs collected by any of the officers enumerated in Section 1 of this Act, including those collected by the Tax Assessor and Tax Collector for the assessment and collection of municipal taxes, shall be paid into the general fund of the county; provided, that this Section shall not be applicable to fees, commissions, allowances, percentages, or charges earned by the Tax Collector and Tax Assessor for the tax year ending September 30, 1951.

Section 3. The compensation of the officers enumerated in Section 1 of this Act and of their clerks, deputies and assistants shall be paid in the same manner as the compensation of other county employees is paid.

Section 4. The governing body of Calhoun County shall provide the officers enumerated herein with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices.

Section 5. Section 3 of Act No. 185, H. 498, approved July 24, 1947 (Local Acts of Alabama, 1947, page 101), as amended, is repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:24 P. M.

Act No. 219

H. 591—Harrison (Wilcox), Oakley

AN ACT

Relating to Wilcox County: To prescribe new, extra, and additional duties for the associate members of the Court of County Commissioners of Wilcox County, and to provide additional compensation for the performance of such new, extra, and additional duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Wilcox County is hereby divided into two Forest Protection Districts. Forest Protection District No. 1 shall consist of that part of Wilcox County which lies on the east side of the Alabama River, and Forest Protection District No. 2 shall consist of that part of Wilcox County which lies on the west side of the Alabama River. There shall be four District Forest Wardens, each of whom shall perform the duty of investigating and reporting for his district violations of Chapter 4 of Title 8 of the Code of Alabama 1940.

Section 2. Each of the four associate members of the Court of County Commissioners of Wilcox County shall be District Forest Wardens for the respective districts from which they are elected to the Court of County Commissioners of the county. For the performance of the new, extra, and additional duties imposed upon them by Section 1 of this Act, they shall receive additional compensation in such amounts that will bring their total compensation as members of the Court of County Commissioners up to the sum of \$120.00 dollars per month. Such additional compensation for the performance of the new, extra, and additional duties shall be paid out of any funds in the county treasury not otherwise appropriated.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:18 P. M.

Act No. 220

H. 597—White (Covington)

AN ACT

To amend an Act entitled: An Act "To define, regulate and license barbers and barber colleges, and other like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said County; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission," approved January 8, 1937, as amended by an Act of the Legislature approved June 28, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act entitled "An Act to define, regulate and license barbers and barber colleges, and other

like businesses in Covington County, State of Alabama; and create a Barbers' Commission for said County; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission," be and the same hereby is amended to read as follows: Section 2. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a valuable consideration or hire paid either directly or indirectly (or for the general public even though without consideration), shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes, gives waves to, with either permanent wave equipment or home wave preparations, the hair of a human being, or applies hair tonics or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined, and shall include beauty culturists, beauticians, beauty shops, beauty parlors, beauty colleges, or other like businesses performing any of the services enumerated above. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine or surgery, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such.

Section 2. That Section 3 of said Act be and the same is hereby amended by adding thereto the following: The Commission shall appoint an Inspector, whose duties shall be outlined by the Commission and whose compensation shall be fixed by the Commission. The Inspector's duties so outlined shall include inspection of licenses issued by the Commission, investigation of acts of persons, firms, partnership, co-partnerships, associations or corporations contrary to the provisions of this Act, and inspections of premises wherein the trade of barbering as defined by this Act is practised to ascertain and report to the Commission the conditions of sanitation existing. The Inspector so appointed, or any member of said Commission, may enter into and inspect any premises wherein the trade of barbering as defined by this Act is practised at any time during business days and hours and may inspect any equipment used in such practise.

Section 3. That Section 5 of said Act be and the same hereby is amended by adding thereto the following: Provided, however, that any person upon the passage of this Act who is engaged in such business as a barber and who has been so engaged for a period of one year next preceding, shall be granted a license upon receipt by the Commission of a written application within sixty days from the approval of this Act, said application to be accompanied by the fee of \$3.00 as required for annual renewals, and also by a certificate of a reputable physician asserting that ap-

plicant then has no contagious communicable or infectious disease.

Section 4. If any section, sub-section, sentence, clause, phrase, or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature, hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, or requirements be declared unconstitutional.

Section 5. All laws, or parts of laws, in conflict with this Act be, and the same are hereby repealed.

Section 6. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate persons, co-partnerships, associations or corporations, operating barber shops, barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirements of any existing or future law or ordinance of any state, county, or municipality so taxing, licensing or regulating persons, co-partnerships, associations, or corporations operating barber shops, barber colleges, or other like businesses.

Section 7. This act shall take effect immediately upon its passage and approval by the Governor.

Approved July 17, 1951.

Time: 12:25 P. M.

Act No. 221

H. 603—Harrison (Wilcox), Oakley

AN ACT

To amend Section 11 of an Act entitled an Act "To further provide and prescribe the duties of the Court of County Commissioners of Wilcox County; to provide that the Probate Judge of Wilcox County be a member of said Court; to provide for the number of meetings of said Court, both regular meetings and special meetings; to provide that three members of said Court shall constitute a quorum; to provide the duties of the Chairman of said Court, and to provide for the keeping of records by the Chairman, and to provide for clerical and stenographic assistants for the Chairman; to prescribe the duties of the associate members of said Court, and to provide that the work of said Court shall be done collectively and its powers shall not be delegated to the individual members of said Court; to provide for the term of office and the manner of election of the members of said Court and to provide that the term of office of the Probate Judge, as a member of said Court, shall be coextensive with his term of office as Probate Judge of Wilcox County; to confer upon said Court all the authority, jurisdiction and powers granted to Courts of County Commissioners by the General Laws of Alabama and certain jurisdiction, power and authority in addition thereto; to fix the compensation of the members of said Court, and to provide for a per mile traveling expense; to provide for the filling of vacancies in the membership of said Court; to provide for a temporary Chairman of said Court in the

absence of the regular Chairman; to provide for the purchase of supplies and materials to be used by Wilcox County, and to provide that if the Court so desires it may enter into an agreement with the Department of Finance of the State of Alabama and may purchase supplies and materials through the Department of Finance of the State of Alabama, and to provide that all purchases made in amounts exceeding \$100.00 (One hundred dollars) must be made on a competitive bid basis, and to provide that the County Engineer and the Judge of Probate may purchase materials and supplies for road and bridge construction and repair when such contracts do not exceed \$100.00 (One hundred dollars) without first obtaining competitive bids therefor; to provide for the manner of payment of all materials and supplies purchased by said Court, and to provide that supplies and materials not purchased in accordance with the terms of this Act shall not be an obligation against Wilcox County; and to provide for the sale of bonds and warrants and other property of Wilcox County, and to provide for the manner and means of such sale; to provide for the entering into contracts by Wilcox County, and to provide for the manner of making contracts by Wilcox County; to provide for a pre-auditing and payment of bills for Wilcox County; to provide for the manner of issuing and signing warrants drawn against funds belonging to Wilcox County; to provide for the making of a tentative budget for Wilcox County; to provide for the making and preparing of financial statements for the use of the members of said Court; to provide for the transfer of funds from the General or Special funds to the Road and Bridge Fund; to repeal all laws or parts of laws in conflict with this Act and to expressly repeal an Act of the Legislature of Alabama, approved February 2, 1937, whereby a Board of Revenue was established for Wilcox County, and to provide the dates upon which this Act shall become effective." Approved September 30, 1939.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 11 of an Act entitled an Act "To further provide and prescribe the duties of the Court of County Commissioners of Wilcox County; to provide that the Probate Judge of Wilcox County be a member of said Court; to provide for the number of meetings of said Court, both regular meetings and special meetings; to provide that three members of said Court shall constitute a quorum; to provide the duties of the Chairman of said Court, and to provide for the keeping of records by the Chairman, and to provide for clerical and stenographic assistants for the Chairmen; to prescribe the duties of the associate members of said Court, and to provide that the work of said Court shall be done collectively and its powers shall not be delegated to the individual members of said Court; to provide for the term of office and the manner of election of the members of said Court and to provide that the term of office of the Probate Judge, as a member of said Court, shall be coextensive with his term of office as Probate Judge of Wilcox County; to confer upon said Court all the authority, jurisdiction and powers granted to Courts of County Commissioners by the General Laws of Alabama and certain jurisdiction, power and authority in addition thereto; to fix the compensation of the members of said Court, and to provide for a per mile traveling expense; to provide for the filling of vacancies in the membership of said Court; to provide for a temporary Chairman of said Court in the absence of

the regular Chairman; to provide for the purchase of supplies and materials to be used by Wilcox County, and to provide that if the Court so desires it may enter into an agreement with the Department of Finance of the State of Alabama and may purchase supplies and materials through the Department of Finance of the State of Alabama, and to provide that all purchases made in amounts exceeding \$100.00 (One hundred dollars) must be made on a competitive bid basis, and to provide that the County Engineer and the Judge of Probate may purchase materials and supplies for road and bridge construction and repair when such contracts do not exceed \$100.00 (One hundred dollars) without first obtaining competitive bids therefor; to provide for the manner of payment of all materials and supplies purchased by said Court, and to provide that supplies and materials not purchased in accordance with the terms of this Act shall not be an obligation against Wilcox County; and to provide for the sale of bonds and warrants and other property of Wilcox County, and to provide for the manner and means of such sale; to provide for the entering into contracts by Wilcox County, and to provide for the manner of making contracts by Wilcox County; to provide for a pre-auditing and payment of bills for Wilcox County; to provide for the manner of issuing and signing warrants drawn against funds belonging to Wilcox County; to provide for the making of a tentative budget for Wilcox County; to provide for the making and preparing of financial statements for the use of the members of said Court; to provide for the transfer of funds from the General or Special funds to the Road and Bridge Fund; to repeal all laws or parts of laws in conflict with this Act and to expressly repeal an Act of the Legislature of Alabama, approved February 2, 1937, whereby a Board of Revenue was established for Wilcox County, and to provide the dates upon which this Act shall become effective," approved September 30, 1939, be and same is hereby amended to read as follows:

Section 11. PURCHASES: The court of County Commissioners of Wilcox County is hereby charged with the duty of purchasing in the name and for said county, all road machinery, tools, implements, books, blanks, office stationery, office or house furniture, fixtures, articles, or other things which may be required by law for the county and which are to be paid for out of any of the funds of the county. The court may at its option by agreement with the State Department of Finance make purchases through that State Department or other state agency authorized by law to handle such purchases and when doing so all such purchases shall be handled in the same manner as purchases which are made for the State of Alabama. In case the Court of County Commissioners elects to make its own purchases it shall do so only after bona fide competitive bids have been submitted. The court shall advertise for said bids at least one time in a newspaper published in the County of Wilcox or shall post notice calling for

said bids at least three weeks before the letting of such contracts at the court house of said county and shall mail requests for bids to four or more of the leading firms or persons dealing in such commodities in the general trade territory in which Wilcox County is located, in order that due public notice may be given of intention to make said purchases or may purchase through the State of Alabama. The County Road Engineer and the Judge of Probate may purchase material, tools, repairs and supplies in amounts not exceeding \$200.00 (Two hundred dollars) provided that report of such purchases are submitted to the court at the next regular meeting for approval. All persons, firms or corporations from whom purchases of any road machinery repairs, materials, supplies or equipment and all persons, firms or corporations furnishing material, or doing work on any road or bridge in Wilcox County, shall make out, itemize and swear to all claims for such machinery, repairs, material, supplies, equipment or service which shall be approved by the County Road Engineer and the Judge of Probate, in case of road machinery, repairs, materials, supplies or equipment for roads or bridges and by the Judge of Probate together with the other affected County official or employee, in case of other purchases not affecting roads or bridges. This approval for claims shall take place before the court allows the payment of same. Such payments shall be made direct to such person or persons, firm or corporation doing such work or furnishing or selling such machinery, repairs, material, supplies or equipment. No purchase shall be made except on requisition signed by the county official or employee and approved by the Judge of Probate. No purchase above \$200.00 (Two hundred dollars) shall be made without order of a majority of the court and no claims of any kind shall be paid without a majority vote of the court. Such orders must appear on the minutes of the court. It shall be unlawful for the Judge of Probate to issue a warrant in payment of any purchase not made in compliance with these provisions.

Section 2. This Act shall become effective immediately upon the passage and approval by the Governor or its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:18 P. M.

Act No. 222

S. J. R. 34—Quarles

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives concurring, that House Bill No. 558 be known and designated as the Quarles, Hardy, Molette and Givhan bill.

Approved July 17, 1951.

Time: 12:13 P. M.

Act No. 223

H. 332—Miller, Hawkins (Etowah), Shelton,
Morgan (Tuscaloosa)

AN ACT

To prescribe the qualifications, duties, and to impose additional duties, and fix the compensation of the coroner in all counties of the state having a population of not less than 80,000 and not more than 135,000 people, according to the last Federal Census, or which hereafter may have such a population according to any such census that may hereafter be taken.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties in Alabama having a population of not less than 80,000 and not more than 135,000 people, according to the last Federal Census, or which hereafter may have such a population according to any such census, the Coroner of such county shall be a qualified voter and shall in addition to the duties now required of such coroner by the laws of Alabama, report in writing at the end of each month, the result of his findings upon any inquisition held by him, to the Solicitor of such County, assist the Chief of Police of any city in such county, and the Sheriff of any such county, in quelling any riot or grave breach of the peace when called upon by such officer or officers, and assist in the investigation of any homicide when requested to do so by the sheriff of the county.

Section 2. The coroner in any county in Alabama having a population of not less than 80,000 and not more than 135,000 according to the last Federal Census, or which hereafter may have such a population according to any such census, shall be paid a salary of one hundred twenty-five dollars (\$125) per month out of the general funds of the county on a warrant drawn upon the general funds of the county by the Court of County Commissioners, Board of Revenue, or other governing board of the county. Such salary shall be all of the compensation and fees that the coroner of such a county shall draw for his services.

Section 3. Act No. 103, H. 453, approved June 9, 1945 (General Acts of Alabama, 1945, p. 100), as amended, is superseded and repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:27 P. M.

Act No. 224

H. 509—Crocker, McKee

AN ACT

Relating to counties with populations of not less than 29,350 nor more than 30,350 inhabitants: to provide a clerk for the tax collector and tax assessor of such counties, fixing the salaries of each of such clerks and the method of payment of such salaries out of the general funds of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 29,350 nor more than 30,350 inhabitants, according to the most recent federal census, the governing bodies of such counties shall provide for a clerk for the tax collector and clerk for the tax assessor for each of such counties. These clerks shall be appointed by the tax collector and the tax assessor, respectively, and such clerks shall be paid a salary of one thousand six hundred and twenty dollars (\$1620.00) each, per annum, payable out of the general funds of such counties or county by the governing body of such counties or county in such amounts and at such times as the said tax collector or tax assessor shall so certify to such governing body of such counties or county that the same is due to such clerks or clerk. The amounts herein authorized to be expended shall be used solely and exclusively for the payment of such clerks for the tax collector and tax assessor.

Section 2. All laws, general, local and special, in conflict herewith are hereby repealed insofar as they conflict herewith, and any general, local or special law heretofore enacted relating to such clerks in such counties or any county affected hereby, is hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:28 P. M.

Act No. 225

H. J. R. 59—Dawkins

HOUSE JOINT RESOLUTION

Be it resolved by the House, the Senate concurring that H. B. 78 which has passed both Houses of the Legislature be known as the Robison, Eddins, Dawkins, Sellers, Hall and Tennille Bill.

Approved July 17, 1951.

Time: 12:24 P. M.

Act No. 226

H. 334—Miller, Hawkins (Etowah)

AN ACT

To repeal Act No. 437, H. 662, approved July 6, 1945 (General Acts of Alabama, 1945, page 679) entitled "An Act To limit the jurisdiction and powers of justices of the peace in criminal cases in counties which now or hereafter, according to the most recent Federal census, may have populations between 75,000 and 100,000."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 437, H. 662, approved July 6, 1945 (General Acts of Alabama, 1945, page 679) entitled "An Act To limit the jurisdiction and powers of justices of the peace in criminal cases in counties which now or hereafter, according to the most recent Federal census, may have populations between 75,000 and 100,000," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:22 P. M.

Act No. 227

H. 335—Miller, Hawkins (Etowah)

AN ACT

To repeal Act No. 199, S. 263, approved June 23, 1945 (General Acts of Alabama, 1945, page 322) entitled "An Act To prescribe the duties and fix the compensation of the Coroner and provide for the payment of the same in all counties of the State of Alabama which now have or may hereafter have a population of as much as 75,000 people and less than 113,000 people, according to the last Federal census or any such census, which may hereafter be taken."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 199, S. 263, approved June 23, 1945 (General Acts of Alabama, 1945, page 322) entitled "An Act To prescribe the duties and fix the compensation of the Coroner and provide for the payment of the same in all counties of the State of Alabama which now have or may hereafter have a population of as much as 75,000 people and less than 113,000 people, according to the last Federal census or any such census, which may hereafter be taken," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:21 P. M.

Act No. 228

H. 338—Miller, Hawkins (Etowah)

AN ACT

To relieve certain county officials of the duty of visiting voting places and precincts in the performance of their official duties; to apply in but only in counties having a population of not less than 80,000 nor more than 94,000 according to the most recent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor, the tax collector, the clerk of the jury commission, and members of the board of registrars in each county are relieved of the duty of visiting voting places and precincts in the performance of their official duties.

Section 2. This Act shall apply in but only in counties having a population of not less than 80,000 nor more than 94,000 according to the most recent federal census.

Section 3. Act No. 270, H. 236, approved July 22, 1949 (Acts of Alabama, 1949, p. 394), is superseded and repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:18 P. M.

Act No. 229

H. 339—Miller, Hawkins (Etowah)

AN ACT

To repeal Act No. 145, H. 409, approved July 11, 1947 (General Acts of Alabama, 1947, page 47) entitled "An Act To fix the salaries of the Chief Clerk employed in the Office of the Probate Judge in all counties of the State of Alabama which now have, or which may hereafter have, a population of not less than 75,000 and not more than 113,000 according to the last Federal census or any such Federal census which may be hereafter taken."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 145, H. 409, approved July 11, 1947 (General Acts of Alabama, 1947, page 47) entitled "An Act To fix the salaries of the Chief Clerk employed in the Office of the Probate Judge in all counties of the State of Alabama which now have, or which may hereafter have, a population of not less than 75,000 and not more than 113,000 according to the last Federal census or any such Federal census which may be hereafter taken," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.
Time: 12:17 P. M.

Act No. 230

H. 336—Miller, Hawkins (Etowah)

AN ACT

To repeal Act No. 438, H. 663, approved July 6, 1945 (General Acts of Alabama, 1945, page 680) entitled "An Act To fix the compensation of the Judge of the Inferior Court and to provide for the payment of the same, in all counties of the State of Alabama which have or may hereafter have a population of as much as 75,000 people and less than 113,000, according to the last Federal census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 438, H. 663, approved July 6, 1945 (General Acts of Alabama, 1945, page 680) entitled "An Act To fix the compensation of the Judge of the Inferior Court and to provide for the payment of the same, in all counties of the State of Alabama which have or may hereafter have a population of as much as 75,000 people and less than 113,000, according to the last Federal census," is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.
Time: 12:14 P. M.

Act No. 231

S. 393—Foster

AN ACT

To make an appropriation to the State Building Commission for the construction of a dormitory at the Agricultural and Mechanical Institute For Negroes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of the Alabama Special Educational Trust Fund Account the sum of two hundred thousand dollars (\$200,000) to the State Building Commission to be used for the sole purpose of constructing a dormitory at the Agricultural and Mechanical Institute For Negroes.

Section 2. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:11 P. M.

Act No. 232

H. 333—Miller, Hawkins (Etowah)

AN ACT

To prohibit the probate judge in all counties having a population of not less than 80,000 and not more than 94,000 from charging or collecting any fee or compensation for administering an oath or taking or acknowledging an affidavit; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 80,000 and not more than 94,000 according to the last or any subsequent federal census, the probate judge shall not charge or collect any fee or compensation for administering an oath or taking or acknowledging an affidavit, or for taking an acknowledgment. The probate judge shall not be held liable for failing to charge or collect any such fee or compensation.

Section 2. Act No. 335, H. 736, approved August 4, 1949 (Acts of Alabama, 1949, p. 500), is superseded and repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.

Time: 12:10 P. M.

Act No. 233

H. 570—Dawkins, Hall, Tennille

AN ACT

Relating to cities having populations of not less than 57,000 nor more than 127,000 inhabitants: To provide for the payment of benefits to employees of any such city who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such city who are killed in the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any employee of any city having a population of not less than 57,000 nor more than 127,000 inhabitants, according to the last or any subsequent federal census, who is totally dis-

abled as a result of an injury received while in the performance of his official duties shall receive each month during the time such total disability shall continue a benefit payment equal to the amount of one-half of his base monthly compensation at the time of his injury. Provided, That should the personnel board, if any, of such city so order, such employee may be paid his regular compensation for a period not exceeding six months.

Section 2. (a) The widow of any employee of any such city who is killed or dies as a result of injuries received in the performance of his official duties shall receive each month a benefit payment equal to one-half the amount of such employee's base monthly compensation at the time of his injury or death. Such payments shall terminate upon the remarriage of the widow. If the widow dies and there is a minor child or children of the deceased employee surviving, such child or children jointly shall receive such monthly benefits during the period of his or their minority.

(b) If there is no widow surviving, but there is a minor child or children surviving, such child or children jointly shall receive such monthly benefits during the period of his or their minority.

Section 3. The benefit payments provided for by this Act shall be paid from the general fund of the city upon the order of the governing body of the city.

Section 4. The governing body of the city shall order the payment of benefits under this Act upon the presentation of such proof as it may require of death or total disability. The governing body shall require and provide for periodic medical examinations of employees claiming or receiving benefits for total disability.

Section 5. Persons receiving benefits under this Act shall not be entitled to or receive any other benefits from the city or any agency thereof on account of disability or the death of any person.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act shall be retroactive to January 1, 1951.

Section 8. Should any clause, sentence, paragraph, or part of any section of this Act be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this Act.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 17, 1951.
Time: 12:07 P. M.

AN ACT

Relating to state government administration: Creating a Department of Insurance; defining its powers and duties; transferring to it the function of regulating insurance, the insurance business, insurance companies, and insurance agents; transferring to it the Bureau of Insurance and the Bureau of Rates of the Department of Commerce, and the Office of Fire Marshal, and the personnel, funds, equipment and supplies of such Bureaus and Office; creating the office of Superintendent of Insurance; fixing his salary, qualifications and duties; abolishing the office of Superintendent of Insurance as presently constituted; and repealing all laws in conflict therewith.

Be It Enacted by the Legislature of Alabama:

Section 1. DEPARTMENT OF INSURANCE. There shall be a Department of Insurance for the State of Alabama with subordinate bureaus and divisions as hereinafter provided.

Section 2. BUREAUS OF DEPARTMENT. The Department of Insurance shall consist of the Bureau of Insurance, the Bureau of Rates, the office of Fire Marshal and all such other divisions as the Superintendent of Insurance determines to be necessary.

Section 3. DUTIES OF DEPARTMENT. The Department shall administer the laws of this State which regulate or otherwise relate to insurance, the insurance business and insurance companies, associations, exchanges, societies and their agents and representatives doing business in the State, the administration of which is now charged upon the Department of Commerce and the Director thereof, and the Bureau of Insurance, the Bureau of Rates of the Department of Commerce and the Office of Fire Marshal; and, its authority to perform such functions shall be exclusive.

Section 4. SUPERINTENDENT OF INSURANCE. The Department shall be in charge of a Superintendent of Insurance as its chief executive officer, who shall be appointed by the Governor for a term of four years and hold office subject to the will and pleasure of the Governor.

Section 5. QUALIFICATIONS. The Superintendent of Insurance shall be selected with special reference to his training, experience and capacity. He shall not be a candidate for nor hold any other public office of trust, nor shall he be a member of any political committee. If he becomes a candidate for public office or becomes a member of a political committee his office as Superintendent of Insurance shall be immediately vacated. The Superintendent of Insurance shall devote his entire time to the duties of his office.

Section 6. OATH AND BOND. The Superintendent of Insurance, before entering upon the duties of his office, shall take

and subscribe to the oath prescribed by Article XVI, Section 279 of the State Constitution and give bond in the penal sum of Twenty-Five Thousand (\$25,000) Dollars. The oath and bond shall be filed with the Secretary of State.

Section 7. OFFICES. The offices of the Superintendent of Insurance shall be located at the State Capital. The Superintendent of Insurance shall keep his offices open at all reasonable times for the transaction of public business.

Section 8. COMPENSATION, EXPENSES AND MONIES COLLECTED. The Superintendent of Insurance shall receive an annual salary of Seven Thousand Five Hundred (\$7,500) Dollars and the necessary traveling expenses incident to the performance of his duties. The expenses of operating the Department shall be paid out of the annual appropriation to it, and all taxes, fees and penalties collected by the Department shall be paid into the State Treasury.

Section 9. POWERS AND DUTIES OF SUPERINTENDENT OF INSURANCE. The Superintendent of Insurance shall have the power, and it shall be his duty, to: (1) exercise general supervision and make regulations for the government of his department; (2) prescribe uniform rules pertaining to investigations and departmental hearings; (3) supervise the fiscal affairs and responsibilities of the Department; (4) subject to the Merit System Act and the rules and regulations issued pursuant thereto, prescribe the qualifications of, appoint, remove and fix the compensation of officers and employees of the Department; (5) organize and administer the Department so as to comply with the requirements of law; (6) keep an accurate and complete record of all departmental proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the Department; (7) sign and execute in the name of the State, by "The State Department of Insurance," all contracts or agreements with the Federal Government or its agencies, other States or political subdivisions thereof, political subdivisions of this State, or with private persons; (8) make recommendations and an annual report to the Governor concerning the condition, operation, and functioning of the Department; (9) invoke any legal, equitable or special remedy for the enforcement of orders or the provisions of the laws of this State which relate to the regulation of insurance; (10) collect from insurance companies, associations, mutual aid companies, fraternal societies, inter insurance exchanges, and their officers, agents and representatives, all taxes, fees, and penalties required of them by law; (11) make settlement with the State Treasury as required by law; (12) perform all the duties of the Department which relate to the supervision, regulation and control of the business of insurance; (13) examine, or cause to be examined all domestic and foreign insurance companies, mutual aid, fraternal benefits associations, reciprocal exchanges, or other insurance corporations qualified

in this State as required by law; and set a reasonable per diem, subsistence and travel allowance for such examiners or other persons designated by the Superintendent of Insurance for such purpose. All insurance companies, associations, societies, reciprocal exchanges or any other insurance concern examined under this section shall pay all expenses incurred in such examination; (14) exercise any other power necessary to the administration of insurance laws, expedite departmental business, assure the establishment of fair rules and regulations and promote the efficiency of the Department's service.

Section 10. ASSISTANTS AND EMPLOYEES. Subject to the provisions of the Merit System Act, the Superintendent of Insurance shall appoint division and unit heads, including the Supervisor of Rates, Fire Marshal and such assistants, deputies and employees as may be necessary to the efficient operation of the Department. He shall fix their compensation in accordance with the Merit System Act and the pay plan of the State Personnel Department. The Superintendent of Insurance shall annually rate the employees of the Department according to their merit and shall determine whether they are maintaining standards of eligibility. The Superintendent of Insurance shall serve as Head of the Bureau of Insurance.

Section 11. DELEGATION OF DUTIES. All powers and duties vested in the Superintendent of Insurance may be delegated by him to his appointees and employees; but, the Superintendent of Insurance shall be responsible for their acts.

Section 12. LEGAL COUNSEL. The Attorney General shall render to the Superintendent of Insurance, without additional compensation, such legal services as he may request.

Section 13. RULES AND REGULATIONS. The Superintendent of Insurance may issue rules and regulations consistent with the insurance laws of this State and in accordance with such regular procedure as the law requires.

Section 14. OATHS AND WITNESSES. The Superintendent of Insurance or his authorized representative shall have the power to issue subpoenas for the production of persons and papers in all proceedings conducted by the Department. In case a person refuses to obey such subpoena, the Superintendent of Insurance or his representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the Superintendent of Insurance or his representative and produce all evidence and give all testimony relating to the matter in issue. A person failing to obey such order may be punished by the court as for contempt.

Section 15. PUBLICATIONS. The Superintendent of Insurance shall print for public distribution: (1) the insurance laws of

this State; (2) the rules and regulations of the Department; (3) annually a directory of all companies and agents licensed to do business in Alabama; (4) such other material as he deems relevant and suitable for the more effective administration of the laws relating to insurance.

Section 16. TRANSFER OF BUREAUS, FUNDS, ETC. The Bureau of Insurance, the Bureau of Rates of the Department of Commerce, and the office of Fire Marshal, and all the funds, papers, documents, files, materials, equipments, supplies and other effects of such bureaus and office and all personnel thereof, except the Superintendent of Insurance, are hereby transferred to the Department of Insurance without impairment of their Merit System status.

Section 17. SEVERABILITY. This Act is severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 18. REPEALER. Sections 41-47, inclusive, and Sections 357 and 358 of Title 28, and Sections 29 and 31 of Title 55 of the 1940 Code, and all other laws in conflict with the provisions of this Act are repealed.

Section 19. The office of Superintendent of Insurance of the Department of Commerce as presently constituted is abolished.

Section 20. EFFECTIVE DATE. This Act shall become effective the first day of October after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 16, 1951

Time: 10:45 A. M.

Act No. 235

H. 557—Leonard, Payne

AN ACT

To create and establish in Beats 10, 11 and 13 of Talladega County an inferior court of limited jurisdiction of criminal cases and civil actions at law, to be known as the Civil and Misdemeanors Court of South Talladega County and abolishing the Inferior Court of Sylacauga; providing for its officers and their term, powers, duties, compensation and method of selection; prescribing its jurisdiction; regulating its procedure and process; providing for the return of warrants thereto, including all warrants for the violation of the rules of the road and similar offenses; fixing the costs, charges and commissions collectible in the court; providing for appeals from the court; providing for the transfer to the court of all cases pending in and judgments rendered by the Inferior Court of Sylacauga; and repealing Act No. 370, H. 758, approved September 3, 1915 (Local Acts of Alabama, 1915, page 297).

Be It Enacted by the Legislature of Alabama:

Section 1. INFERIOR COURT CREATED.—There is hereby created and established in Beats 10, 11 and 13 of Talladega Coun-

ty a court of limited jurisdiction in criminal cases and civil actions at law which shall be known as the Civil and Misdemeanors Court of South Talladega County. The court hereby created shall be in lieu of the Inferior Court of Sylacauga which is hereby abolished.

Section 2. JURISDICTION.—(a) Except as provided in subsection (b) of this section, the court shall have and exercise jurisdiction of all actions, causes, matters, proceedings and cases (including bastardy proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment), cognizable before circuit courts, county courts, justices of the peace or courts created in lieu thereof and all courts of like jurisdiction. It shall have authority to punish contempts by fine not exceeding twenty-five dollars and imprisonment for not more than twenty-four hours. It may adopt and enforce rules and regulations relative to pleading, practice and procedure, provided that such rules and regulations are not contrary to the Constitution and laws of the State and law-made rules governing practice and procedure in circuit courts, inferior courts or justices of the peace courts or courts created in lieu thereof.

(b) The court shall not have the power to try persons charged with felonies, nor shall the court have jurisdiction of actions for libel or slander or workmen's compensation cases. It shall not have jurisdiction of any civil action when the amount in controversy exceeds three hundred dollars, nor take cognizance of any matter or proceeding in equity.

Section 3. JUDGE.—(a) A judge of the court herein created shall be elected by the qualified electors of Beats 10, 11 and 13 of Talladega County at the general election of 1952 and every four years thereafter. His term of office shall be for four years from the first Monday after the second Tuesday in January next succeeding his election and until his successor is elected and qualified.

(b) Immediately after the passage of this Act the Governor shall appoint as judge of the court a qualified attorney residing within the territorial jurisdiction of the court, who shall hold office until his successor is elected and qualified as provided herein.

(c) The judge shall, before entering upon the discharge of the duties of his office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution in the manner provided by law. No person shall be eligible to the office of judge unless he is at the time of his appointment or election a qualified elector of Talladega County residing within the territorial jurisdiction of the court, learned in the law and licensed to practice law in the State and Talladega County. The judge shall not, dur-

ing his term of office, act as attorney in any matter that has previously been before the court herein created or is pending before the court, but may practice and appear in all other courts and matters when the amount in controversy in a civil action exceeds three hundred dollars. Neither the judge nor his partner shall practice or appear as counsel in any criminal court in Talladega County in any criminal case in which the offense charged arose within the jurisdiction of the court herein created. Neither the judge nor his partner shall appear as counsel in any civil case in which the amount in controversy is three hundred dollars or less, exclusive of interest, and the cause of action arose within the jurisdiction of the court herein created. The judge shall be subject to the same penalties and obligations as circuit judges. Vacancies in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution. Before entering upon the duties of his office, the judge shall give bond in such penal sum as may be prescribed by the governing body of Talladega County payable to the county and conditioned upon the faithful performance of the duties of his office. The bond shall be approved by and filed in the office of the Probate Judge of Talladega County. The premiums on the bond shall be paid out of the county treasury.

(d) The judge shall receive an annual salary of three thousand dollars payable out of the general fund of the county in equal monthly installments as the salaries of other county officers and employees are paid.

(e) The judge shall have authority to: (1) administer oaths and take acknowledgments; (2) issue search warrants; (3) solemnize marriages; (4) issue writs of ne exeat returnable to a court of proper jurisdiction; (5) exercise such other powers, jurisdiction or authority as may be conferred by law upon judges of inferior courts, county courts or justices of the peace, including that of magistrates on preliminary examinations.

(f) The judge may designate to his secretary or clerk his administrative authority (1) to administer oaths and to sign and issue any processes of the court, including summonses, subpoenas, writs, executions and releases, but not including warrants and affidavits pertaining thereto; (2) to enter all judgments, orders and decrees of the court.

(g) The judge shall keep an accurate civil and criminal docket and a record of all proceedings had in the court, including a direct and reverse index to all civil cases and proceedings had or pending in the court; and all judgment entries shall be signed by the judge and entered on his docket as required by law. Such dockets and records shall be open to public inspection at all reasonable times.

(h) The judge may, in the event there is no qualified or duly elected or appointed constable within the court's jurisdiction, appoint a suitable person to act without bond as constable, except as hereinafter provided. The person so appointed shall perform the same duties, be liable for the same penalties and be entitled to the same fees and compensation as a regular constable, but he shall not be authorized to levy or collect executions, attachments or writs of detinue unless prior to the levying or collecting of such executions, attachments or writs of detinue he executes a bond in the sum of twice the value of the property to be levied on, payable to the defendant as is required by law with sureties to be approved by the judge.

(i) In case the judge is unable at any time to discharge the duties of his office by reason of sickness, disqualification or other cause, he shall when necessary make or cause to be made a written order to be filed in the court designating and appointing a practicing attorney of the county who is learned in the law as special judge of the court. The person so appointed shall perform all the duties and exercise all the powers and authority of the judge and shall hold office until the judge resumes his duties. The special judge shall receive for the performance of such duties five dollars for each day he serves as special judge, payable in the same manner and from the same funds as the compensation of the regular judge. Any amount paid to a special judge shall be deducted from the compensation of the regular judge of the court.

Section 4. SESSIONS.—(a) The court shall be open for the transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times.

(b) Sessions of the court shall be held at such times and places, within the court's jurisdiction, as may be designated by the judge. There shall be at least one civil and one criminal session of the court each week.

(c) The judge shall designate one or more of the constables within the court's territorial jurisdiction, or the special constable appointed by him pursuant to sub-section (h) of Section 3 of this Act, to attend, and the constable or constables so designated shall attend the sessions of the court in person. All writs and processes of the court shall be executed by a duly elected and qualified constable within the jurisdiction of the court or by the Sheriff of the county.

Section 5. PRACTICE AND PROCEDURE.—(a) Except as otherwise provided in this Act, the practice, procedure and process of the court as to parties, trial, competency of witnesses, admissibility of evidence, the taking of depositions, the filing of interrogatories to opposing parties, regulation of suits and the

time within which suits may be brought shall be governed by the statutes and rules of practice, procedure and process governing circuit courts.

(b) In civil actions at law when the summons, writ of attachment, summons and complaint or other processes have been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and plead, answer or demur thereto within seven days and the process issued shall so recite.

(c) In all civil actions at law where the amount in controversy does not exceed one hundred dollars the rules, practice and procedure shall be the same as prescribed by the statutes and rules of practice, procedure and process governing justice of the peace courts, except that the defendant shall have seven days in which to plead, answer or demur to any process issued from the court. It is provided, however, that in cases of forcible entry and unlawful detainer the proceedings shall be had in all respects according to the rules of practice in justice of the peace courts or courts created in lieu thereof.

(d) The judge shall decide all issues of law and fact without the intervention of a jury.

Section 6. COSTS.—(a) For their attendance upon the court witnesses shall be entitled to the same fees and allowances prescribed by law for witnesses in county courts, which fees and allowances shall be taxed, collected and paid in the same manner as fees and allowances are taxed and paid in county courts.

(b) In addition to fees for witnesses, the court shall have authority to tax costs and commissions for the use of the officers of the county as follows: (1) in each civil action at law, if the amount in controversy does not exceed one hundred dollars, the same as in justice courts; (2) in every other civil action at law, the same as in circuit courts; (3) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice courts; (4) in every other criminal case, the same as in county courts, including fees as provided in Sections 86 and 87 of Title 11 of the Code of Alabama, 1940, except as provided in Section 7(b) of this Act.

(c) A trial tax of fifty cents shall be collected for the use of the county in each civil action at law if the amount in controversy does not exceed one hundred dollars. In every other civil action at law and in every criminal case, a trial tax of one dollar shall be collected for use of the county.

Section 7. CRIMINAL PROSECUTIONS.—(a) Prosecutions may be commenced in the court upon a sworn complaint made by the judge of the court, who shall issue a warrant of arrest if he is

reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon a sworn complaint made as prescribed by Section 327 of Title 13 of the Code of Alabama, 1940, the case shall be docketed for trial after indictments. The judge shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid or destroyed, a certified copy of the record shall be sufficient for the arraignment and trial of the accused.

(b) All warrants issued within the court's jurisdiction for misdemeanors for violations of the rules of the road and other misdemeanors defined or provided for in Title 36 of the Code of Alabama, 1940, shall be returnable to the court and shall be tried therein. The court costs in such cases shall be the same as in justice courts.

Section 8. **APPEALS.**—Any party aggrieved by a judgment, order or ruling of the court may appeal the decision to the circuit court of Talladega County within five days from the entry of a judgment and on the appeal either party may demand, and shall be entitled to a jury trial. Appeals shall be taken in the same manner as provided by law for appeals to the circuit court from judgments of justice courts or courts created in lieu thereof. The trial in the circuit court shall be de novo and according to the same procedure as in appeals from judgments of justice courts or courts created in lieu thereof.

Section 9. **TRANSFER OF PENDING CASES.**—All cases and actions pending in the Inferior Court of Sylacauga on the effective date of this Act shall be transferred to the court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court, the court created herein shall have the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 10. **REPEALER.**—Act No. 370, H. 758, approved September 3, 1915 (Local Acts of Alabama, 1915, page 297) and all other laws or parts of laws in conflict with this Act are repealed.

Section 11. **SEVERABILITY.**—The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. **EFFECTIVE DATE.**—This Act shall become effective upon the first day of the calendar month immediately following its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:42 P. M.

Act No. 236

S. J. R. 36—Skidmore, Benson

SENATE JOINT RESOLUTION

Whereas the distinguished Lt. Governor and Speaker of the Senate of Tennessee, the Honorable Walter M. Haynes of Winchester, a man of great experience in state government and politics, having an uncommon knowledge of the problems of the Southern States, has indicated a willingness to address a joint meeting of the two Houses of Alabama's Legislature; now therefore,

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the Honorable Walter M. Haynes is hereby cordially invited to address a joint meeting of the two Houses at Montgomery on the 31st day of July at eleven o'clock, a.m.

Be it resolved further, That the Secretary of the Senate is hereby directed to transmit a duly authenticated copy of this resolution to Mr. Haynes.

Approved July 19, 1951.

Time: 4:01 P. M.

 Act No. 237

S. 29—Wright

AN ACT

To repeal Section 758 of Title 51 of the Code of Alabama, 1940, which requires the making of annual returns by persons liable for the payment of the sales tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 758 of Title 51 of the Code of Alabama, 1940, is repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 4:02 P. M.

 Act No. 238

S. 94—Johnston (Mobile)

AN ACT

To authorize the Director of Conservation to enter into agreements of reciprocity with conservation commissioners and other proper officials of other states concerning the catching or taking fish, shrimp, crabs or oysters for commercial purposes. To provide the license tax for non-resident fishermen and non-resident boats of citizens of states which

have a reciprocal agreement with Alabama. To repeal Act No. 588—S. 120, 1943 General Acts of Alabama, page 594. And for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Director of the Department of Conservation shall have authority to enter into agreements of reciprocity with conservation commissioners or directors and other proper officials of other states, who have jurisdiction over the seafood laws and regulations of such states, whereby the citizens of the State of Alabama may be permitted to catch or take fish, shrimp, crabs or oysters from the waters under the jurisdiction of such other states, for commercial purposes, upon similar agreements whereby such non-residents are allowed to take or catch fish, shrimp, crabs or oysters from the public salt waters of the State of Alabama, for commercial purposes, regardless of residence.

Section 2. Upon the entering of such reciprocal agreement, the license tax upon non-resident fishermen and upon the owners of catching boats, freight boats or ice boats, owned in whole or in part by such non-residents, shall be the same as for residents of the State of Alabama.

Section 3. The fishing rights and privileges which may be granted by or through such reciprocal agreements shall be exercised in accordance with the laws of Alabama and the rules and regulations promulgated by the Director of Conservation of the State of Alabama which pertain to the taking, catching, possessing or handling seafood by residents of the State of Alabama.

Section 4. Act No. 588—S. 120, 1943 General Acts of Alabama, page 594, which was approved 7 July 1943, is hereby expressly repealed. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 4:04 P. M.

Act No. 239

S. 376—Foster

AN ACT

Relating to the registration and purgation of voters in counties having a population of not less than 64,000 nor more than 79,000 inhabitants, and providing for meetings and procedures of the Board of Registrars for the purpose of registering voters and purging the registration lists in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a

population of not less than 64,000 nor more than 79,000 inhabitants according to the last or any subsequent federal census.

Section 2. The Board of Registrars shall meet at the county court house for the purpose of registering voters on the first Monday in each month, and may also meet an additional forty days in each calendar year at any place in the county that it may select. Prior to each meeting, other than those held on the first Monday in each month, the Board shall give at least three days notice of such meeting by posting the notice at the county court house or by publication in a newspaper of general circulation in the county.

Section 3. At any meeting of the Board applications for registration shall be taken from persons residing anywhere in the county.

Section 4. The Board shall meet for the purpose of purging the lists of registered voters and holding hearings thereon at the times now prescribed by law. In addition, the board may purge names from the lists of registered voters at any time the board is in session provided a hearing is held in case the person whose name is proposed to be stricken from the registration lists has become a non-resident of the county or has been convicted of an offense mentioned in Section 182 of the Constitution, and written notice of the hearing and the date thereof is given by the Board to such person by first class mail at his last known address at least thirty days before any election and a copy of such notice is forwarded to the sheriff of the county for personal service upon such person within at least five days after receipt thereof by him, which service must be returned by the sheriff within ten days after receipt thereof by him.

Section 5. The provisions of this Act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 4:05 P. M.

Act No. 240

H. J. R. 62—Brannan

HOUSE JOINT RESOLUTION

Be it resolved by the House of Representatives, the Senate

concurring, that Senate Bill 25, which has passed both Houses, be designated and be known as the "McCary-Brannan Bill."

Approved July 19, 1951.

Time: 5:05 P. M.

Act No. 241

H. J. R. 65—Dawkins

HOUSE JOINT RESOLUTION

Be it resolved by the House, the Senate concurring, that H. B. 570 which has passed both Houses of the Legislature be known as the Dawkins, Hall, Tennille, Sellers and Robison Bill.

Approved July 19, 1951.

Time: 5:16 P. M.

Act No. 242

H. 381—Pruitt, Harvey

AN ACT

To amend Act No. 261, H. 571, approved August 6, 1947 (Local Acts of Alabama, 1947, page 187), entitled "An Act Relating to Sumter County; creating a Board of Commissioners of Sumter County in lieu of the Board of Revenue, which is hereby abolished; prescribing the election, terms of office, qualifications, and powers of the members of the Board of Commissioners; defining and regulating the jurisdiction, powers, and duties of the Board of Commissioners in general and in respect to the construction and maintenance of roads and bridges; and the acquisition of personal property."

Be It Enacted by the Legislature of Alabama:

Sections 5, 7, 8, 9, and 10 of Act No. 261, H. 571, approved August 6, 1947 (Local Acts of Alabama, 1947, page 187) are amended to read:

"Section 5. MEETINGS. Regular meetings of the Board of Commissioners shall be held on the first Monday in each month, or on the following Tuesday if the first Monday falls on a holiday, and may be continued from day to day or adjourned to some future day. Special meetings may be called at anytime by the Chairman or any two members, and likewise continued from day to day or adjourned to some future day. All members must be notified of any special meeting prior to the holding of same. Minutes and records of all official acts of the Board shall be kept and shall be open for public inspection at any reasonable time. A majority of the Board is necessary in order to constitute a quorum for holding a meeting and a majority vote of those present is necessary for taking any official action on any matter. In the absence or during any disability of the Chairman of the Board, the remaining members of the Board may appoint one of their number to preside over any meeting and act as and for the Chairman so long as he may be absent or disabled, and anyone so appointed

as a temporary Chairman, shall have all the powers, duties and authority of the regular Chairman, and his acts shall be in all respects as legal as though he were the regularly elected Chairman of the Board. In no case shall the members of the Board in any one calendar year be allowed to draw the per diem pay of ten dollars for over twenty-four meetings and for any meeting over that number in any one calendar year they shall serve without pay of the per diem amount."

"Section 7. POWERS, DUTIES AND AUTHORITY OF THE BOARD OF COMMISSIONERS. All powers, duties and authority vested in the Sumter County Board of Revenue (Local Acts of Alabama, 1919, page 51), as amended, are retained and transferred to the Board of Commissioners of Sumter County, except as otherwise provided herein. And except as otherwise provided herein, all of the powers, authority, jurisdiction, duties, disabilities, limitations, restrictions and penalties now granted or conferred or hereafter to be granted and conferred by general law upon county governing bodies and the chairman and members thereof, are hereby retained, granted and conferred upon the Board of Commissioners of Sumter County, and the members and chairman thereof, individually and collectively. Except as herein provided authorizing the County Purchasing Agent to purchase certain supplies and services and to dispose of certain personal property of the county, the Board of Commissioners of Sumter County, as a Board, shall have the sole power to bind the county in any contract, agreement, lease or sale, and said Board of Commissioners may as a board execute any written instrument evidencing the same, or they may when they deem it expedient, by resolution spread upon the minutes of the Board authorize, direct and empower the Chairman of the Board to execute any instrument to legally consummate any contract, agreement, lease or sale made by the Board of Commissioners. The Board of Commissioners of Sumter County shall have control of all property belonging to Sumter County, and may by an order to be entered on its minutes, direct the disposal of any real property, which can be lawfully disposed of, and may by said resolution spread upon its minutes, authorize, direct and empower the Board of Commissioners as a Board, or when they deem it expedient, authorize, direct and empower the Chairman of the Board, to execute any deed or written instrument to legally consummate said disposition of real estate; and all general or other laws in this regard, as to Sumter County, in conflict herewith, are hereby expressly repealed.

"The Board of Commissioners of Sumter County, shall have, as a Board, all the power and authority to do by ratification, what they may legally do in the first instance, and the listing and inclusion in the minutes of the Board, of a properly filed and approved claim which has been paid, shall be deemed a legal rati-

fication of the act creating the claim, as well as a proper minute entry of the Board's action thereon as a Board.

"The Chairman of the Board of Commissioners of Sumter County shall be its presiding officer, and with the other members of the Board, shall sign the minutes of the Board, and shall have the same power and authority as the other members in passing upon all questions. He shall with the County Treasurer, sign all warrants, checks or orders for the payment or disbursement of money or funds of the county. When authorized, directed and empowered by the Board of Commissioners of Sumter County by resolution spread upon the minutes of the Board, he shall have the power and authority to execute any and all necessary papers, instruments, contracts, agreements, leases, sales, and deeds, to carry out and legally consummate any action taken by the Board in reference thereto. It shall be his duty to prepare the order of business and obtain information for the sessions of the Board and to see that all orders are properly executed. Except as may be in conflict with this Act, the Chairman of the Board of Commissioners of Sumter County shall have all of the powers, duties, authority, and restrictions, imposed by general law or hereafter imposed by general law upon the Chairman of county governing bodies in the State of Alabama. Whenever Sumter County is sought to be made a party defendant or a party of any kind to any legal proceeding in any Court or other tribunal whatsoever, any summons and complaint, citation, notice, writ, or process of any kind whatsoever, to constitute legal service, must be executed by leaving a copy of same with the Chairman of the Board of Commissioners of Sumter County, and all general or other laws in this regard, as to Sumter County, in conflict herewith, are hereby expressly repealed.

"Section 8. COUNTY ENGINEER. The Board of Commissioners shall appoint a county engineer in accordance with Title 12, Section 67 of the 1940 Code. The engineer shall serve at the will and pleasure of the board and shall be paid not less than three thousand dollars (\$3,000) nor more than six thousand dollars (\$6,000) per year. Subject to general supervision and control by the Board of Commissioners, the engineer shall have charge of the construction and maintenance of all county roads and bridges. The county engineer shall have the power, and it shall be his duty to: (1) employ, supervise, and fix the compensation for such workmen, laborers, and overseers as are necessary to construct, repair, and maintain the roads and bridges of the county; (2) supervise and control the location, placement, use operation, and disposition of all road-and-bridge materials, supplies, tools, machinery, and equipment; (3) make recommendations concerning the location and extent of road-and-bridge construction and maintenance projects; (4) perform such engineering and surveying services as may be required by the Board of Commissioners; (5) maintain adequate accounting records; (6) per-

form such other duties as may be necessary in the operation of the county highway system. The county engineer shall utilize the road equipment, materials, and labor force in accordance with the needs of the entire county for road construction and maintenance, without regard to any district boundaries.

"Section 9. PURCHASING AGENT. Subject to the supervision, regulation and control of the Board of Commissioners of Sumter County, and any rules and regulations which they may see fit to promulgate from time to time in the exercise of said authority, the County Engineer of Sumter County, shall also be the Purchasing Agent of Sumter County, with the authority to purchase, trade in, exchange, barter, lease, and sell any supplies, equipment, materials, and services, which Sumter County or the Board of Commissioners of Sumter County, may have authority under the law, to purchase and pay for with county funds, and use themselves in the operations of county affairs, the construction, maintenance and operation of roads, bridges, ferries and buildings, or authority under the law to furnish to County Officers, Departments and Agencies.

"Under the aforementioned authority of the Board of Commissioners of Sumter County, the County Purchasing Agent shall have the authority: To establish standard specifications for supplies, equipment and material needed by the County or the abovementioned officers, departments and agencies. To operate a central storeroom. To require the aforementioned officers, departments and agencies to submit estimates of their requirements, and to make written, signed requisition for the supplies needed by them. To negotiate for the purchase and acquisition of all supplies, equipment, materials and contractual services needed by the county, and said officers, departments and agencies. To promulgate reasonable rules and regulations governing the acquisition of supplies, materials and equipment, or the disposal of surplus or obsolete personal property of the county.

"The County Purchasing Agent shall solicit at least three written competitive bids for all purchases of supplies, materials, equipment, and contractual services, when the amount involved is fifty dollars and more. After approval of the purchase by the Chairman of the Board of Commissioners, or any member of the Board designated by the Board, the Purchasing Agent may purchase items costing fifty dollars or more, after soliciting three bids verbally, or by telephone, telegraph or letter. The provisions regarding three competitive bids may be waived by the Board, its chairman, or other member designated by the Board, for the purchase of specialized services, or items which are not generally rendered or handled by merchants or supply houses.

"Section 10. REPORTS. The County Engineer in his capacity as engineer and purchasing agent shall when so requested

by the Board of Commissioners of Sumter County, file with them, a complete inventory of all supplies, equipment and materials owned by the county, with the original costs and estimated current value thereof. He shall also make and file with the Board of Commissioners when so requested by them, a report as to the road construction and maintenance activities of the county, with an accurate accounting of the costs thereof, and a report as to purchases made for each office or department or agency of the county."

Approved July 19, 1951.

Time: 5:08 P. M.

Act No. 243

H. 382—Pruitt, Harvey

AN ACT

Relating to Sumter County: To divide the County into two forest-protection districts, creating the offices of Chief Forest Warden for the county and District Forest Warden for each district, prescribing the duties of such officers, fixing their compensation, and imposing such duties upon the Chairman of the Board of Commissioners and the members of the Board of Commissioners, ex officio.

Be It Enacted by the Legislature of Alabama:

Section 1. Sumter County is hereby divided into two forest-protection districts, the boundaries of each of which shall coincide with the two commissioners' districts. There shall be a chief forest warden for the county who shall have the duty of requiring and supervising the enforcement of the provisions of Chapter 4 of Title 8 of the Code of Alabama (1940) in regard to the entire county. In addition, there shall be two district forest wardens, each of whom shall have the special duty of investigating and reporting, for his district, violations of Chapter 4 of Title 8 of the Code of Alabama (1940).

Section 2. The Chairman of the Board of Commissioners of Sumter County shall be, ex officio, chief forest warden for the county and the two members of the Board of Commissioners of Sumter County shall be, ex officio, district forest wardens for their respective districts. For the performance of their duties as such, each shall be paid a salary of one hundred fifty dollars (\$150.00) per month out of any funds in the county treasury not otherwise appropriated.

Section 3. That all laws or parts of laws, general, local, or special, in conflict with the authority created hereby, or the provisions of this act be, and the same are hereby repealed.

Section 4. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:27 P. M.

Act No. 244

H. 599—Pruitt, Harvey

AN ACT

To authorize and require the County Governing Body of Sumter County, Alabama, to pay annually to the County Board of Education of Sumter County, Alabama, a lump sum in lieu of providing office quarters and necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies, required by the county superintendent of education of said County and his assistants; and to authorize and require the County Board of Education of Sumter County Alabama, to provide such office quarters and necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies out of the public school funds of Sumter County Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Governing Body of Sumter County, Alabama, is hereby authorized and required to appropriate and pay annually to the County Board of Education of Sumter County Alabama, an amount of not less than seven hundred and fifty dollars (\$750.00) nor more than fifteen hundred dollars (\$1500.00), such amount so appropriated and paid to become a part of the public school funds of Sumter County, Alabama; and said county governing body is hereby relieved of the duty of providing office quarters and necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the county superintendent of education of said county and his assistants, in accordance with the provisions of Title 52 Section 130, Code of Alabama 1940, the lump sum herein authorized and required to be paid annually by the county Governing Body of Sumter County, Alabama, to the County Board of Education of Sumter County, Alabama, being in lieu of the requirement that said county governing body provide such items for the county superintendent of education of said county and his assistants.

Section 2. That the County Board of Education of Sumter, County, Alabama, is hereby authorized and required to provide office quarters and necessary furniture, office equipment, stationery, postage, forms, telephone service, and supplies required by the county superintendent of education of said county and his assistants and pay for the same out of the public school funds of Sumter County Alabama.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 4. That this Act shall become effective on October 1, 1951.

Approved July 19, 1951.

Time: 5:31 P. M.

Act No. 245

H. 600—Pruitt, Harvey

AN ACT

To authorize the County Board of Education of Sumter County, Alabama, to construct, equip, furnish, and maintain an administration building; and to authorize the use of public school funds of Sumter County, Alabama, for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Board of Education of Sumter County, Alabama, is hereby authorized to construct, on any site owned by said board, or on any site set aside or held in trust for the use of the public schools of Sumter County, Alabama, and to equip, furnish, and maintain an administration building for offices, conference rooms, vaults, and storage; and to that end, said board of education may use a part of the proceeds of local tax levies, or such other public school funds of Sumter County, Alabama, as it may specifically set apart for that purpose.

Section 2. That said board of education may hold, use, lease, or rent the building constructed under the authority of this act, or any part thereof, as the best interests of the public school system of Sumter County, Alabama, may require.

Section 3. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:34 P. M.

Act No. 246

H. 649—Pruitt

AN ACT

For the relief of Wallace Spidle of Sumter County, Alabama, for the death of two cows, which were killed as a result of the said County or its agents putting nitrate of soda along a County Road of said County, viz: Coatopa-Blemont Road, without notice to said Wallace Spidle, the owner of said cows, and resulting in the death of said cows from eating said nitrate of soda, and to make an appropriation therefor from the general funds of the treasury of Sumter County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of County Commissioners of Sumter County, Alabama be, and it is hereby required to draw its warrant on the Treasurer of Sumter County, Alabama for the sum of THREE HUNDRED (\$300.00) DOLLARS, payable to Wallace Spidle for the death of two cows, owned by him, which death was caused by the said County or its agents putting nitrate of soda along a County road of said County, which was eaten by said cows, which sum shall be payable out of any funds not otherwise appropriated.

Section 2. Then it shall be the duty of the County Treasurer of Sumter County, Alabama to pay said warrant out of any money in the treasury not otherwise appropriated.

Section 3. This Act shall take effect upon its passage and approval by the Governor, or when the same becomes law without such approval.

Approved July 19, 1951.

Time: 5:39 P. M.

Act No. 247

S. J. R. 38—Boutwell

SENATE JOINT RESOLUTION

Resolved by the Senate the House of Representatives concurring that Senate Bill 322 be named the Richardson Bill.

Approved July 19, 1951.

Time: 5:40 P. M.

Act No. 248

S. J. R. 39—Boutwell

SENATE JOINT RESOLUTION

WHEREAS the Annual Corn Festival, a gala event of parades, bands, floats, and beauty, and a barbecue, speeches, and general celebration is to be held at Bessemer on Saturday, the 15th day of September; and

WHEREAS the occasion demands the eloquence of a distinguished orator, and there is none greater than the distinguished Vice President of the United States, the Honorable Alben W. Barkley; now therefore,

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That this body joins the Festival's Committee on Arrangements in inviting and urging Mr. Barkley to be guest of honor and the principal speaker on the occasion hereinabove mentioned.

Be it resolved further, That a duly authenticated copy of this resolution be transmitted forthwith to Mr. Barkley by the Secretary of State.

Approved July 19, 1951.

Time: 5:41 P. M.

Act No. 249

S. 227—Andrews

AN ACT

To amend Section 288, Title 14, Code of Alabama 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 288, Title 14, Code of Alabama 1940, be and the same is hereby amended so as to read as follows:

§ 288. Disposition of contents of gambling device.—It shall be the duty of any sheriff or other officer seizing and removing any gambling device to open the same in any manner, in the presence of the register of the circuit court, in equity, for the proper county, to take therefrom any money or property found therein, and to turn over and deliver to the said register said money or said property. The register shall safely keep said money and other property found in such gambling device, and if said device is condemned and forfeited as being in violation of the terms of this article, the court shall direct in its decree that one-half of the money, or monies, taken therefrom, shall be paid to the officer making the seizure, and the remaining one-half shall be paid into the general fund of the county in which said gambling device was found and seized, provided, however, that if the seizure of any such gambling device is made by an officer of any town, city, or municipality, the judge in his decree shall direct that one-half of the money found in such gambling device shall be paid by the register into the city treasury, and the other one-half paid into the general fund of the county. Anything else found in said gambling device, such as candies, gums, merchandise, or other personal property, shall be disposed of as the court may in its decree direct.

Section 2. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:14 P. M.

AN ACT

Relating to Marengo County: To provide that State witness fees for witnesses appearing before the Grand Jury or testifying in criminal cases in the Circuit Court or the County Court of Marengo County shall be payable out of the Fine and Forfeiture Fund of said county; to provide for the transfer of all State witnesses' fees collected by the Clerk of the Circuit Court or the County Court of Marengo County to the Fine and Forfeiture Fund; to provide for the validation of certain witnesses' script heretofore issued by Marengo County.

Be It Enacted by the Legislature of Alabama:

Section 1. That when any person is subpoenaed as a witness before the Grand Jury of Marengo County in a criminal case, and procures a certificate of his attendance before said Grand Jury as a witness signed by the Foreman of the Grand Jury, said certificate shall be negotiable and payable, upon due presentation by said person, by the depository or treasurer of said county out of the fine and forfeiture fund of said county.

Section 2. That when any person appears as a State witness in a criminal case either in the Circuit Court or the County Court of Marengo County, Alabama, and procures a certificate of attendance signed by the clerk of said court, said certificate shall be negotiable and payable upon due presentation by the depository or treasurer of said county out of the fine and forfeiture fund of said county.

Section 3. That it shall be the duty of the clerk of the Circuit Court of Marengo County, and the clerk of the County Court of Marengo County, upon the effective date of this act, to immediately transfer all monies payable or collected by said clerk for the payment of State witnesses' fees, either before the Grand Jury, Circuit Court, or County Court, to the fine and forfeiture fund of said county.

Section 4. That all claims, scripts, and certificates issued to witnesses summoned on behalf of the State before the Grand Jury, Circuit Court, or County Court of Marengo County, Alabama, be and the same are hereby ratified, validated, legalized and made negotiable and payable by the county depository or county treasurer of Marengo County out of the fine and forfeiture fund of said county upon due presentation thereof. However, any such claim, script, or certificate, which is otherwise valid, which was issued one year or more previous to the presentation of such claim, script, or certificate, shall be endorsed by the clerk of the Circuit Court or the clerk of the County Court, which said endorsement shall bear the signature of such clerk, the date of such endorsement, and a statement that the same is in full force and effect and should be paid. The payment of all such claims shall be made out of the fine and forfeiture fund of said

county. Nothing in this act, however, shall be construed as extending the statute of limitations or any statute of minor claims or of validating any illegal, void or voidable claim, script or certificate.

Section 5. This act shall not be construed so as to in any way reduce the commission or fees of the clerk of the Circuit Court of Marengo County, the clerk of the County Court, or the sheriff of Marengo County, Alabama, or the payment thereof, and such fees shall be payable in the same amount as now provided by law.

Section 6. That all laws, general, local, and special in conflict with the provisions hereof be and the same are hereby expressly repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:15 P. M.

Act No. 251

S. 395—Sollie

AN ACT

Relating to Dale County; authorizing and directing the governing body of the County to provide for the payment of the compensation of an additional deputy of the sheriff, to be appointed by the sheriff, the Act to continue so long as Camp Rucker continues to be an active military establishment.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County is hereby authorized and directed to provide for payment of compensation for an additional deputy of the sheriff, to be appointed by the sheriff, in an amount not to exceed one thousand two hundred dollars (\$1,200) per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; it shall expire on the date that Camp Rucker becomes an inactive military establishment, as ascertained by the governing body of Dale County.

Approved July 19, 1951.

Time: 4:06 P. M.

Act No. 252

H. 39—Martin, Merrill

AN ACT

Relating to powers of committees of the Legislature of Alabama or of either House thereof; empowering legislative committees to investigate

any subject respecting which they may desire information in aid of the proper discharge of their functions; providing for the compulsory attendance of witnesses; prescribing penalties for contempts and false swearing.

Be It Enacted by the Legislature of Alabama:

Section 1. Any committee of the Legislature of Alabama or of either House thereof shall have the power to investigate any subject respecting which it may desire information in aid of the proper discharge of its function.

The chairman or vice-chairman of any committee established by joint or concurrent resolution of the two Houses of the Legislature, or of a committee of the whole, or of any standing, select, or special committee of either House of the Legislature, is empowered to issue subpoenas for the production of persons and papers looking to the gathering of information on all subjects concerning which such a committee is called upon to act; and he is hereby empowered to administer oaths to witnesses in any case under the committee's examination.

Section 2. In the event such a person is duly summoned to appear and testify or produce evidence, or both, before the Committee, and refuses to attend or testify or produce evidence, or either, in obedience to such summons, the Committee shall have the right to invoke the aid of the circuit court at law of the county in which the Committee ordered the witness to appear before the Committee in order that the testimony or evidence, or both, may be required to be given or produced. In such event, and upon proper showing by the Committee to the court, the court shall issue, or cause to be issued, an order or subpoena requiring such person to appear before the Committee and produce all evidence and give all testimony relating to the matter in issue within his knowledge as provided in this Act. Any person failing to obey such order or subpoena without good cause, to be determined by the court, may be punished by the court for contempt, the same as is provided by law for any contempt of such court.

Section 3. No committee shall act under the provisions of this bill unless the subject or matter to be inquired into has been approved by the Rules Committees of the House and Senate and the Governor of Alabama.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 7. The provisions of this Act shall become inoperative and expire at the end of the regular biennial session of the Legislature in 1953.

Approved July 19, 1951.

Time: 5:07 P. M.

Act No. 253

H. 476—Brannan

AN ACT

To define, regulate and license barbers and barber colleges, and other like businesses in Baldwin County, Alabama, State of Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. That after the passage of this act it shall be unlawful for any person, co-partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, to advertise or assume to act as such without a license issued by the Barbers' Commission of Baldwin County. No co-partnership, association or corporation shall be granted a license, unless every member or officer of said co-partnership, association or corporation, who actively engages in the barber business barber college or like business of such co-partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

Section 2. A barber, barber shop, barber college or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a valuable consideration or hier, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes the hair of a human being, or applies hair tonic or other cosmetic preparations, clays, or lotions to the scalp, neck or face, or engages in the teaching of an person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families, or other persons who receive such services without charge therefor.

Section 3. There is hereby created a Barbers' Commission

for Baldwin County, State of Alabama. The Governor shall appoint three persons, each of whom immediately prior to the date of his appointment has been a resident of Baldwin County, State of Alabama, for three years and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and thereafter the term of any member appointed and qualified to succeed the members of the Barbers' Commission for Baldwin County first appointed shall be for three years and until their successors are appointed and qualified. Members to fill vacancies shall be appointed and vacancies caused by the expiration of the term of any person appointed shall be selected in the manner following: The Commission shall, sixty days prior to the expiration of the term of any commissioner or the Chairman of the Barbers' Commission for Baldwin County, give notice in writing to the licensed barbers of Baldwin County that such vacancy will be created on the date of the expiration of the term of the commissioner whose term is about to expire; or if a vacancy be caused for any reason other than the expiration of the term the Barbers' Commissioner for Baldwin County shall within thirty days after such vacancy is created give notice to the licensed barbers of Baldwin County of such vacancy, calling upon the said barbers to suggest to the Barbers' Commission for Baldwin County the names of three barbers to fill the vacancy or vacancies thus occasioned; to that end a ballot shall be prepared and enclosed in the letter notifying the barbers of the vacancy or vacancies thus created, the said ballot reading: "I hereby nominate for appointment by the Governor of the State of Alabama to the Barbers' Commission for Baldwin County, Alabama, one of the following named three persons: _____,

The ballots shall be numbered and identified in such manner as to prevent anyone employing any ballot other than that forwarded the licensed barber entitled to vote and in addition to the ballot the Barbers Commission for Baldwin County shall forward the licensed barber an envelope addressed to the Barbers' Commission for Baldwin County and properly stamped with postage of the United States Government. When the ballots are returned to the Barbers' Commission for Baldwin County they shall be opened on a day designated in the notification forwarded the duly licensed barbers of Baldwin County in the presence of the commissioners of the Barbers' Commission for Baldwin County then serving, and the ballots shall be counted, and the names of the three barbers who shall receive the greatest number of votes shall be selected as the three nominees of the Barbers' Commission for Baldwin County and the Barbers' Commission for Baldwin County shall then certify to the Governor of the State of Alabama the names of the three barbers

receiving the highest number of votes, and the Governor shall appoint one of the three persons thus designated to fill the vacancy created. If more than one vacancy exist at any time there shall be nominated in the manner herein above designated and certified to the Governor three nominees for each such vacancy so that if there be one vacancy there shall be three nominees, if there be two vacancies there shall be six nominees, and if there be three vacancies there shall be nine nominees certified to the Governor of Alabama, who shall select for appointment one nominee from each group thus nominated. The Commission immediately upon the qualification of the member appointed each year shall organize by selecting from its members a Chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the Commission shall receive as full compensation for each day actually spent in the work of said Commission the sum of six dollars per day and his actual and necessary expenses thereby incurred. The Commission shall appoint and at its pleasure discharge, a secretary-treasurer and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this Act: the Treasurer so appointed shall be required to enter into a bond to be approved by the Commission in the sum of not less than One Thousand (\$1,000.00) Dollars conditioned to pay any shortage or loss of funds on hand by said Treasurer during his term of office or at the time that he is holding office. Said Commission shall outline the duties and fix the compensation of the Treasurer. The Commission shall obtain such office space, furnishings, and other proper conveniences as shall be reasonably necessary for carrying out of the provisions of this Act. The principal office of said Commission to be located in the City of Robertsdale. The Commission shall adopt a seal with such design as it may prescribe, engrave thereon, by which it shall authenticate its proceedings. The Commission shall make appropriate rules and regulations for the administration of the office of the Commission and for the purpose of carrying out the provisions of this Act. In addition thereto, the Commission is empowered to make reasonable inspection of the barbers and barber shops of Baldwin County to the end that they observe proper methods of sanitation and sterilization in and about the conduct of their business. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the Commission under authority of this act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act, shall be paid into the Treasury of the Commission; said funds shall be used and kept exclusively in the hands of the Treasurer of this Commission, and shall be used under the direction of the

Commission, not inconsistent with this Act. Funds may be disbursed by an order of the Commission on a check being drawn by the Treasurer against such funds, as may be on hand, and approved by the Chairman of the Board for the purpose of paying all expenses incurred by the Commission, including the compensation of members and their employees and their assistants and the Treasurer, provided the total fees and charges collected and paid into the Treasury of this Commission, and all monies remaining in said separate fund at the end of the fiscal year not expended as herein provided, shall become a part of the funds of said Commission and shall be retained by the said Commission and may be deposited in any bank on Savings Account or otherwise.

Section 4. Licenses shall be granted only to persons of good moral character, who have an elementary school education, or its equivalent in the judgment of the Commission, and shall be at least 18 years of age, and have practiced as an apprentice for a period of at least one year and pass a satisfactory examination conducted by the Commission. Provided, however, any person or persons engaged in the occupation of barbering for a period of less than one year may be licensed as an apprentice barber, provided he is 17 years of age, and has an elementary school education, or its equivalent in the judgment of the Commission, upon successfully passing said Commissioners' examination for licensing a barber, as herein set forth. Provided further, that no person will be granted a license to operate a barber shop unless he has been a licensed barber for at least one year.

Section 5. Whenever the masculine gender is used in this Act it is to be construed in such manner as to include the feminine gender. Every applicant for a barber's license, apprentice-barber's license or for a license to operate a barber shop or barber college or other like business shall apply therefor in writing on blanks prepared for and furnished by said Barber's Commission. It shall be accompanied by the recommendation of at least two barbers doing business in said County of Baldwin not related to the applicant certifying that the applicant is of good reputation, is qualified to practice the trade of barbering, and recommending that a license be granted him. Said application shall be accompanied by the application fee herein after provided and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. The Commission, after applications in proper form have been filed, shall set the application down for a hearing and determination as hereinafter provided in this Act. The Commission shall examine the application doctor's certificate and recommendations of the barbers recommending the applicant and if these documents are found in order, then and in that event the Commission is to proceed with the examination of the applicant. The

applicant shall be examined with a view of determining whether he has an elementary school education or its equivalent, and in addition thereto the applicant shall be to a chair in some barber shop where barbers licensed to practice barbering under the terms of this Act are employed, where the applicant shall be given an examination which will determine his skill as a barber and in addition thereto the applicant may be required to name the instruments which are in general use in such barber shop and he shall be examined as to his knowledge concerning and the proper employment of shaving and shampooing soaps, anti-septics, lotions, facial massage creams and hair tonics, and if, in the opinion of the Commission, such demonstration is deemed necessary or advisable the applicant may be required to demonstrate his skill in shaving some person or cutting his hair, in the art of massage or shampooing, or to do any or all of those things which a reputable barber is generally called upon to perform in practicing barbering. In addition thereto he shall be examined relative to his knowledge of certain skin diseases commonly dealt with by experienced barbers with the view of determining whether or not such diseases are infectious, or contagious; and in this connection he shall be required to show to the reasonable satisfaction of the Commission his knowledge of the proper sterilization of the instruments and tools he is required to employ in and about the practice of barbering. If the applicant pass the examination the Commission shall issue a license in such form as it may prescribe showing the name and address of the licensee and the barber shop or college in which he is employed. The seal of the Commission shall be imprinted on the license and such other additional matter placed thereon as the Commission may designate. It shall be the duty of each person, co-partnership, association or corporation to display conspicuously the license thus issued in the place of business wherein such person, co-partnership, association or corporation operates. The Commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the Commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses herein named as the case may be. The original fee for each barber's license shall be \$7.50, and the annual renewal fee shall be \$7.50. The original fee for any non-resident barber coming into the State shall be \$15.00. Every license shall expire on the 31st day of December of each year. The Commission shall issue a new license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant accompanied by the annual fee therefor, as herein required, and accompanied, also, by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable or infectious disease. The Commission may upon its own motion, and shall upon the verified complaint in writing of any three persons

making out a prima facie case, investigate the actions of any person hereby affected, and shall have the power to suspend or to revoke any license issued under the provisions of this Act at any time where the licensee has fraudulently obtained the license, or where the licensee in performing or attempting to perform any of the acts mentioned herein is deemed to be guilty of (a) the violation of any state, county, or city statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the Commission, (c) or who has failed upon request of the Secretary-Treasurer to give evidence and/or proof of the compliance with the same. The Commission shall, before denying an application for license, or before suspending or revoking any license, set the matter down for a hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made, and the date and place of hearing. The applicant or licensee at all hearings, shall have the opportunity to be heard in person or by counsel or both. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business of such applicant or licensee. In preparation and conduct of hearings, the Commission shall have power to require by subpoenas the appearance and testimony of witnesses and the production of papers, and any member of the commission may sign subpoenas, administer oaths and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the courts of this State in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the Commission, and give evidence, or produce papers, as the case may be, and any failure to obey such order of the Court may be punished by the Court as a contempt thereof. (Any person so refusing to appear and give testimony required by such Commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, be punished as provided by the provisions of this Act.) If the Commission shall determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a license shall not be granted, or the same suspended or revoked as the case may require. Upon request of the applicant or licensee in writing, the Commission shall furnish said party, with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Commission may be appealed to the Circuit Court of the county in which the principal office

of the Commission may be located, provided an appeal is taken within 10 days after such final determination of the Commission. Any person desiring to appeal under this section shall file with the Commission or some member thereof, a notice in writing that he appeals to the Circuit Court with at least one solvent surety payable to the County of Baldwin, conditioned to prosecute such appeal to effect and upon failure to do so, to pay all costs and damages which may be taxed against him by the Circuit Court on such appeal. Such bond to be approved by the Circuit Court of Baldwin County, and any cause so appealed shall be tried de novo in said Circuit Court. The Commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or barber-apprentices, and shall conduct said examination in accordance with the rules and regulations promulgated by said Commission not inconsistent with this Act. Said examination to be conducted in the city, town, or village where the principal office of the Commission is located.

Section 6. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not to exceed six months or by both fine and imprisonment in the discretion of the Court. This provision shall have application to any officer or agent of a corporation, co-partnership or association operated in violation of this Act. Any court of competent jurisdiction in said county shall have full power to try any violation of this Act., and upon conviction the Court may at its discretion revoke the license of the person, co-partnership, association or corporation violating the terms hereof. Before the Commissioners herein provided for shall receive a commission and enter upon the discharge of their duties each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 7. If any section, subsection, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or requirements to be declared unconstitutional.

Section 8. All laws, or parts of laws, in conflict with this Act be, and the same are hereby repealed.

Section 9. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate persons, co-partnerships, associations or corporations operating barber shops, barber colleges, or other like businesses.

The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of any state, county or municipality so taxing, licensing or regulating persons, co-partnerships, associations or corporations operating barber shops, barber colleges or other like businesses.

Section 10. This Act shall take effect immediately upon its passage and approval by the Governor.

Approved July 19, 1951.

Time: 5:06 P. M.

Act No. 254

H. 596—Miller, Hawkins (Etowah)

AN ACT

To alter or re-arrange the boundary lines of the Town of Glencoe, Etowah County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the town of Glencoe, Etowah County, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory in Etowah County, Alabama; all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Begin at the Southwest corner of Section 31, Township 12 South, Range 7 East, thence northerly and along the west lines of Sections 31 and 30 to the northwest corner of Section 30; thence easterly and along the North line of Section 30, which is also the south line of Section 19, Township 12 South, Range 7 East to the southwest corner of the East half of the Southeast Quarter of the Southwest Quarter of Section 19; thence northerly and along the west lines of the East half of the Southeast Quarter of the Southwest Quarter, the west line of the East Half of Northeast Quarter of Southwest Quarter, Section 19, and the west line of the East half of the Southeast Quarter of the Northwest Quarter to a point in the northeast right-of-way of the L. & N. Railroad, thence in a southeasterly direction and along the northeast right-of-way of L. & N. Railroad to a point in the north line of Section 30, Township 12 South, Range 7 East; thence easterly and along the south lines of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter, Section 19, Township 12 South, Range 7 East to the easterly line of Rains Avenue, thence north one degree 50 minutes west and along the easterly line of Rains Avenue 1,151.5 feet to a point 60 feet south

of a railroad spur; thence north 59 degrees-44 minutes East 81.5 feet to a point; thence north 48 degrees-43 minutes East 100 feet to a point; thence north 47 degrees-03 minutes East 100 feet to a point; thence north 37 degrees-25 minutes East 100 feet to a point; thence north 27 degrees-25 minutes East 100 feet to a point; thence north 16 degrees-44 minutes East 100 feet to a point; thence north 8 degrees-36 minutes East 100 feet to a point; said point being 75 feet south of the centerline of Baldwin Street; thence north 88 degrees-10 minutes East and parallel with the centerline of Baldwin Street 275 feet to a point in the west line of Section 20, Township 12 South, Range 7 East; thence northerly and along the west line of Section 20 to the northwest corner of Section 20, being on the Cherokee Indian boundary line; thence westerly and along the Indian Boundary which is also the southerly line of Section 18, Township 12 South, Range 7 East north of Indian Boundary line to the Southwest corner of Fraction -K- Section 18 Township 12 South, Range 7 East, north of Cherokee Indian boundary; thence northerly and along the west line of Fraction -K- -I-, -H- and -G- to the Northwest corner of said Fraction -G- Section 18 Township 12 South, Range 7 East; thence in an Easterly direction and along the Northerly line of said Fraction -G- to the centerline of Rabbit Town Road; thence in a South Easterly direction and along the centerline of said Rabbit Town Road to a point in in the East Line of the said Fraction -G-; thence in a southerly direction and along the East line of the said Fraction -G-, -H- and -I- to a point 528 feet North of the southeast corner of Fraction -I- Section 18 Township 12 Range 7; thence in an Easterly direction and parallel with the south line of Fraction -M- Section 18 Township 12 Range 7 E. to point in the eastline of the said fraction -M-; thence in a southerly direction and along the east line of the said Fraction -M-, a distance of 528 feet to the southeast corner of the said fraction -M-; thence in a easterly direction and along the north line Fraction -L- Section 18 Township 12 Range 7 north of the Cherokee Indian boundary line to the center line of Lonesome Bend Road; thence in a southerly direction and along the center line of the Lonesome Bend Road to a point where said road intersects the Cherokee Indian boundary line; thence in an easterly direction and along the north line of Fraction -B- Section 20 Township 12 Range 7E (North of the Cherokee Indian boundary line) to the northeast corner of said Fraction -B-; thence in a southerly direction and along the east line of said Fraction -B- to a point on the Cherokee Indian boundary line; thence in an easterly direction and along the Cherokee Indian boundary line to the northeast corner of Section 21 Township 12 Range 7 south of the Cherokee Indian boundary line; thence in a southerly direction and along the easterly line of Section 21 south of the Cherokee Indian boundary line, Section 28 and Section 33, Township 12 South, Range 7 East; thence continuing southerly and along the east line of Section 4, Township 13 South, Range 7 East to the southeast corner of the northeast

Quarter of said Section 4; thence westerly and along the south lines of the northeast Quarter and the northwest Quarter of Section 4 to the southwest corner of the northwest Quarter of Section 4; thence northerly and along the west line of Section 4 to the northwest corner of said Section 4; thence westerly and along the south lines of Sections 32 and 31 in Township 12 South, Range 7 East to the point of beginning, all lying and being in Etowah County, Alabama.

Section 2. That the boundaries set out in Section One of this act be, and the same are hereby, established as the corporate limits of said Town of Glencoe, Etowah County, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute a part of the Town of Glencoe, Etowah County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this act be, and the same are hereby repealed.

Section 4. That this act shall go into effect immediately upon its passage and approval by the governor.

Approved July 19, 1951.

Time: 5:21 P. M.

Act No. 255

S. 317—Clayton

AN ACT

To authorize the county governing body of any county having a population of not less than 28,000 and not more than 42,000 inhabitants according to the 1950 census, and two courthouses, and the county governing body of such county is a board of revenue, to provide compensation for a deputy sheriff in addition to the chief deputy provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having populations of not less than twenty-eight thousand (28,000) and not more than forty-two thousand (42,000) inhabitants, according to the 1950 census, the county governing body may, if there are two courthouses within the county, and the county governing body of such county is a board of revenue, provide for paying out of the general fund of the county the salary of a deputy sheriff in addition to the chief deputy authorized by law; provided, however, such salary shall not be in excess of two thousand, four hundred dollars (\$2,400) per annum.

Section 2. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon

its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.
Time: 5:21 P. M.

Act No. 256

S. 318—Clayton

AN ACT

Authorizing the governing body of any county having a population of not less than 28,000, and not more than 42,000 inhabitants and two courthouses, and the county governing body of such county is a board of revenue, to authorize the circuit clerk to appoint an additional deputy, whose salary shall be paid by the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of any county of the State which has a population of not less than twenty-eight thousand (28,000) and not more than forty-two thousand (42,000) inhabitants, according to the last or any subsequent federal census, if there are two courthouses within the county, and the county governing body of such county is a board of revenue, may authorize the circuit clerk to appoint a deputy clerk, in addition to the deputies now provided by law, whose salary, not to exceed one thousand eight hundred dollars (\$1,800) per annum, shall be paid by the county.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.
Time: 5:18 P. M.

Act No. 257

H. 459—Hawkins (DeKalb)

AN ACT

To amend an Act entitled "An Act to allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Funds of DeKalb County in monthly installments," approved March 24, 1936, as amended by Act No. 329, approved August 15, 1947, Page 235, 1947, Local Acts.

Be It Enacted by the Legislature of Alabama:

That an Act entitled "An Act to allow the Sheriff of DeKalb County, Alabama, an additional deputy sheriff to that now provided by law; to fix the salary of said deputy and to make the

same payable out of the General Funds of DeKalb County in monthly installments," approved March 24, 1936, as amended by Act No. 329, approved August 15, 1947, Page 235, 1947 Local Acts, be and the same is hereby amended to read as follows:

Section 1. That the Sheriff of DeKalb County, Alabama is hereby allowed an additional deputy sheriff to the deputies now provided by law, which said deputy sheriff shall be employed by the Sheriff of DeKalb County, Alabama, and receive a salary of not more than \$3,000.00 per annum, and not less than \$2,100.00 per annum, to be fixed by the Board of Revenue, to be paid in twelve equal monthly installments out of the General Funds of said County; that said deputy sheriff shall be a qualified elector of DeKalb County, Alabama, and shall be eligible to perform any of the duties of a deputy sheriff of the State of Alabama.

Section 2. That on the first day of each month after the passage and approval of this act and the appointment by the sheriff of such deputy, the Sheriff of DeKalb County, Alabama, shall furnish to the Board of Revenue, or other court of like jurisdiction of said County, the name of the deputy so appointed by him under this act, and it shall thereupon be the duty of said Board of Revenue or other Court of like jurisdiction in said county to order a warrant drawn upon the General Funds of the County payable to said deputy sheriff so designated for the full amount of one month's salary.

Section 3. That all laws and parts of law in conflict with this act are hereby expressly repealed, and this act shall be in full force and effect from the date of its approval by the Governor.

Approved July 19, 1951.

Time: 5:32 P. M.

Act No. 258

H. 506—Belcher, Bassett

AN ACT

To authorize the Court of County Commissioners of Pike County, Alabama to provide a deputy tax collector for Pike County, Alabama to be appointed by and to serve at the pleasure of the Tax Collector of Pike County, Alabama; to provide for the salary of such deputy to be determined by said Court of County Commissioners in an amount not exceeding \$1800.00 per year payable in equal monthly installments from the general fund of said county; and to provide that the said Court of County Commissioners of Pike County, Alabama shall have full power and authority to revoke or suspend the provisions and allowances for the said deputy tax collector at any time.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Pike County, Alabama is hereby authorized to provide a deputy tax collector for said county, who shall be appointed by and shall

serve at the pleasure of the tax collector of Pike County, Alabama.

Section 2. That the salary of such deputy tax collector shall be determined by the Court of County Commissioners of Pike County, Alabama, in an amount not to exceed \$1800.00 per year, and shall be payable in equal monthly installments from the general fund of said county.

Section 3. That the Court of County Commissioners of Pike County, Alabama shall have full power and authority to revoke or suspend the provisions and allowances for said deputy tax collector at any time.

Section 4. That all laws or parts of law, general, special or local, in conflict herewith be and the same are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:23 P. M.

Act No. 259

H. 507—Belcher, Bassett

AN ACT

To authorize the Court of County Commissioners of Pike County, Alabama to provide a deputy tax assessor for Pike County, Alabama to be appointed by and to serve at the pleasure of the Tax Assessor of Pike County, Alabama; to provide for the salary of such deputy to be determined by said Court of County Commissioners in an amount not exceeding \$1800.00 per year payable in equal monthly installments from the general fund of said county; and to provide that the said Court of County Commissioners of Pike County, Alabama shall have full power and authority to revoke or suspend the provisions and allowances for the said deputy tax assessor at any time.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Pike County, Alabama is hereby authorized to provide a deputy tax assessor for said county, who shall be appointed by and shall serve at the pleasure of the tax assessor of Pike County, Alabama.

Section 2. That the salary of such deputy tax assessor shall be determined by the Court of County Commissioners of Pike County, Alabama in an amount not to exceed \$1800.00 per year, and shall be payable in equal monthly installments from the general fund of said county.

Section 3. That the Court of County Commissioners of Pike County, Alabama shall have full power and authority to revoke or suspend the provisions and allowances for said deputy tax assessor at any time.

Section 4. That all laws or parts of law, general, special or local, in conflict herewith be and the same are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:30 P. M.

Act No. 260

H. 133—Pfleger, Wilkins, Gallalee

AN ACT

To amend Section 6 of Title 51 of the Code of Alabama, 1940, as amended, which relates to certain exemptions from taxation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Title 51 of the Code of Alabama, 1940, as amended, is amended to read:

"For the purpose of developing a market for Alabama pine and other trees and the products thereof, and of encouraging the construction, extension and operation of plants, industries and factories in the State of Alabama for the manufacture or production of pulp, paper, paper bags and other pulp products; the spinning of thread and yarns, the knitting and weaving of cloth and other fabrics of cotton, wool, rayon and silk; the manufacture of garments and wearing apparel; the building and manufacturing of ships, airplanes or airships; the manufacture of glass, light wood or metal products, ceramic products, enameled ware and enameled goods, processed silica products, wooden cabinets, and farm implements; the mining of gold, graphite, manganese, salt, sulphur, and tin and the manufacture of their by-products; making and manufacturing cheese, condensed and evaporated milk, or either, and other milk products; creameries and milk cooling stations; and for the manufacture, production or processing of any trade or commercial articles, materials or supplies whether or not such articles, materials or supplies are specifically named herein; or any industry located within five miles of a rehabilitation colony sponsored by the Rehabilitation Administration of the federal government for the purpose of furnishing employment to the families thus rehabilitated, the Department of Revenue is hereby authorized and empowered to exempt from all ad valorem taxes for state purposes, and to remit any and all such taxes which are, or may be, assessed thereon, each such plant, industry and factory, and extension thereof or additions thereto, including the works, machinery and all other equipment constituting a part of, or used in connection with, any such plant, industry or factory, or extension thereof or addition thereto, for a period of not exceeding ten years from the date of completion of such plant, industry or fac-

tory, or extensions thereof, or additions thereto, but in no event the land on which such plant or factory shall be located. Provided that said exemption and remission shall not apply to property which, after September 13, 1939, constitutes any factory, mill, or plant already erected or constructed within the state. Provided, however, that if after September 13, 1939, any existing factory, mill, or plant, or the owner thereof, shall erect or construct any addition, extension or betterment, or shall complete the construction of any addition, extension or betterment whensoever begun, or shall erect or construct another or additional unit or units, whensoever begun, to such existing plant, industry or factory, involving an expenditure of an amount not less than fifty thousand dollars within any twelve months period, in constructing and equipping such extension, betterment, unit or addition within the State of Alabama, including the works, machinery and all other equipment constituting a part of, or used in connection with, such extension, unit, betterment, or addition, the exemption and remittance provided for in this chapter shall apply to so much of said extension, addition or betterment, and additional units erected, constructed or completed, after September 13, 1939, including the works, machinery and other equipment constituting a part of or used in connection with the same. Any exemption heretofore granted or attempted to be granted under this section to any factory or plant which would be entitled to an exemption under this section as the same now reads, is hereby validated, ratified and confirmed as to any taxes which may hereafter accrue against or become an obligation or liability of such factory or plant, even though such factory or plant may not have been entitled to an exemption at the time the same was granted or attempted to be granted. Provided further that the Department of Revenue is hereby authorized and empowered to exempt from all ad valorem taxes for state purposes, and to remit any and all such taxes which are, or may be, assessed thereon, all of the capital stock of such plants, industries and factories or increase of such capital stock made for the purpose of making additions thereto and extensions thereof for a like period and under like conditions and restrictions as are required above as to such plants, industries, or factories and extensions thereof and additions thereto."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 4:00 P. M.

Act No. 261

H. 556—Leonard, Payne

AN ACT

To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County, Alabama; to authorize the governing body of said County to expand public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Talladega County, Alabama, by whatever name called, is hereby fully authorized to establish and maintain a Public Library in said County, and, to accomplish said purpose, may, from time to time, expend such public funds of said County, as are not required by law to be expended for any other purpose or purposes, to provide suitable housing quarters, furniture, fixtures and equipment therefor, to keep the same in a good state of maintenance and repair, and, from time to time, to enlarge, expand and improve such Library, facilities and equipment, and, from time to time, to provide such books, reports and periodicals for said Library as are not provided therefor out of the proceeds of the special fund created by this Act or otherwise, and to pay the salaries of a Librarian and such other personnel as may be necessary and proper to operate the same, to the extent that such salaries are not paid out of the proceeds of such special fund; which expenditures shall, from time to time, be made on warrants drawn in the usual manner, upon the County Treasurer, payable out of appropriate fund or funds.

Section 2. In order to provide a special fund for the maintenance of said Library, there shall be taxed as costs the sum of Three Dollars (\$3.00) in each Civil or Quasi Civil Action at Law, Suit in Equity, Criminal Case, Quasi Criminal Case, proceeding on a Forfeited Bail Bond or proceeding on a Forfeited Bond given in connection with an appeal from a judgment of conviction in any inferior or municipal court to the Circuit Court hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit Court of Talladega County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and shall be paid to the Treasurer of Talladega County, Alabama.

Section 3. There shall also be taxed as costs the sum of One Dollar (\$1.00) in each case hereafter filed in any statutory inferior court in Talladega County, Alabama, which costs shall be

collected as other costs in such cases are collected, and when collected by the Clerk or other collecting officer of said courts shall be paid by him to the Treasurer of Talladega County, Alabama.

Section 4. The sums herein provided to be paid to the Treasurer of Talladega County, Alabama, shall be kept by him in a separate fund designated as "Talladega County Law Library Fund" and shall be expended by the presiding Judge of the Circuit Court of Talladega County, Alabama, for maintaining said Law Library. Said presiding Judge shall draw warrants on the Treasurer for expenditures by him indicating on the warrants the fund against which the warrants are drawn. Said fund shall be used primarily to lease or purchase, from time to time, under conditional sales contracts in anticipation of future revenue under this Act, or otherwise, as the said Judge may deem expedient, such books and periodicals, and to pay the salaries of such personnel, as may in the opinion of the said presiding Judge be advisable, but to the extent not so used such funds may be otherwise expended for the maintenance of said Library. The management of the said Law Library is vested in said presiding Judge and all books or other property purchased with the funds produced by this Act shall be the property of Talladega County, Alabama; provided, however, that the said Judge may from time to time, sell at public or private sale or exchange any such books, reports, periodicals, and personal property, and apply the proceeds from the sale thereof; or the value thereof, upon the purchase of other books, reports, periodicals and personal property for use in said Library, and said Judge may accept any gift or loan of any books, reports, periodicals and property for public use in said Library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said Judge. Said presiding Judge may appoint such personnel as may in his opinion be necessary or proper to operate said Library, and, to the extent that in the opinion of said Judge the circumstances permit, may require the Circuit Clerk, and/or one or more deputy Circuit Clerks, and/or the Register, and/or the official Court Reporter to operate the same or to assist therein, either with or without additional compensation therefor from said fund as the said Judge shall direct.

Section 5. The said items of cost above referred to shall be designated in said respective Courts as "Law Library Fee" and when any part of the costs in such a case or proceeding shall have been paid the amount necessary for the payment of said fee shall be applied thereto before applying any of the amount paid as costs to any other item of cost. On or before the 10th day of each month, the Clerk or other collecting officer of the respective Courts (including the Register in Chancery) shall pay to the said County Treasurer the amounts collected for said Law Library fees previous to the first day of the month.

Section 6. If any sentence, clause, provision or section of this act be declared to be invalid, the invalidity thereof shall not affect the validity of any other portion or provision of this act, it being the intention to enact into law so much hereof as may validly become law, irrespective of the invalidity of any portion hereof.

Section 7. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:33 P. M.

Act No. 262

H. 613—Davis

AN ACT

Relating to St. Clair County; repealing Act No. 250, S. 304, approved August 21, 1935, entitled "An Act To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said County to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect" (Local Acts, 1935, pp. 150-151).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 250, S. 304, approved August 21, 1935, entitled "An Act To require 25% of the total funds received by St. Clair County, Alabama, from the levy and collection by the State of Alabama of gasoline taxes, or taxes on other motor fuels to be used for the purpose of establishing a sinking fund for the retirement of the principal of all bonds issued against the road and bridge funds of St. Clair County, which bonds were issued for the purpose of constructing public roads and bridges in said county; requiring the County Treasurer or like official or depository of said County to set aside said funds for said purpose; authorizing the commissioners court of said county to purchase and retire before maturity said bonds or any portion thereof with said funds for said purpose, providing that on final payment and retirement of said bonds, all such funds received by said county from the said gasoline taxes, or taxes on other motor fuels shall be used as provided by the general laws of Alabama, and to provide the time when this act shall take effect," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:35 P. M.

Act No. 263

H. 614—Davis

AN ACT

To allow the Sheriff of St. Clair County, Alabama, an additional Deputy Sheriff to that now provided by law; to fix the salary of said Deputy and to make the same payable out of the general fund of St. Clair County, in monthly installments.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sheriff of St. Clair County is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of not less than \$900.00 and not more than \$1,800.00 per annum which salary is to be fixed by the Commissioners Court or other governing body of said County to be paid in twelve equal monthly installments out of the general funds of said County; that said deputy shall be eligible to perform the duties of deputy sheriff anywhere in said county, and said deputy sheriff shall be appointed by the sheriff of said County to hold office at the pleasure of the Sheriff.

Section 2. That on the first of each month a statement of the name and amount due said deputy sheriff shall be furnished to the Court of County Commissioners or other governing body by the Sheriff and it shall thereupon be the duty of the Court of County Commissioners or other governing bodies to order a warrant drawn on the general funds of the county payable to said deputy sheriff for the amount of one month salary as hereinabove provided.

Section 3. That all laws and parts of laws in conflict with this Act are hereby expressly repealed, and this Act shall be in full force and effect from the date of its passage and approval by the Governor.

Approved July 19, 1951.

Time: 5:36 P. M.

Act No. 264

H. 619—Dumas, Beatty, Morgan (Jefferson),
Adams (Jefferson), Kaul

AN ACT

To apply only in Jefferson County: To make it unlawful for any person to possess within Jefferson County any machine, mechanical de-

vice, contrivance, appliance, invention, slip, ticket, equipment, papers, writing or other device, whatever its name or character, which is customarily or usually used in the operation of a lottery, policy game or other game of chance of any sort or kind, and to provide minimum and maximum punishments upon first, second, and subsequent convictions for violations thereof and to fix rules of evidence in the courts in prosecutions for such violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who possesses within Jefferson County any machine, mechanical device, contrivance, appliance or invention, slip, ticket, equipment, paper, writing or other device whatever its name or character, which is customarily or usually used in the operation of a lottery, policy game, or other game of chance of any sort or kind (herein called "lottery paraphernalia") shall, on the first conviction, be punished by a fine of not less than \$100.00 nor more than \$500.00 and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months, and on the second or any subsequent conviction shall be fined not less than \$100.00 nor more than \$1,000.00, and shall also be imprisoned in the county jail or sentenced to hard labor for the county, for not less than six months nor more than twelve months. To constitute the offense created by this section it shall not be necessary that the lottery paraphernalia be actually used, or actually be in use or is yet actually to be used in the operation of a lottery, policy game, or other game of chance. It shall not be a defense to the charge of possessing the lottery paraphernalia that it has not actually been used or was not then being used, or was not intended to be used in the operation or in connection with the operation of a lottery, policy game, or other game of chance. The possession forbidden by this section shall not apply to a possession had by a police officer, sheriff, deputy sheriff or other peace officer, judge, juror or attache of a court or any attorney, when such possession is connected with the prosecution or investigation of a violation of this section, but the burden of offering evidence that the accused's possession is under this exception shall rest upon the accused. Expert testimony shall be admissible to show that the lottery paraphernalia was customarily and usually used in the operation of a lottery, policy game, or other game of chance, and expert testimony shall also be admissible to show the contrary.

Section 2. This Act shall become effective upon passage.

Approved July 19, 1951.

Time: 5:37 P. M.

Act No. 265

H. 620—Dumas, Beatty, Meeks, Huey

AN ACT

For the relief of B. H. Hartsfield and to authorize the City of Birmingham to pay to said B. H. Hartsfield a sum not exceeding \$214.67 for

damages occasioned to his automobile by a City of Birmingham fire truck in August, 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Legislature hereby finds and determines that the City of Birmingham has incurred an obligation to pay to B. H. Hartsfield the sum of \$214.67 on account of damages occasioned to an automobile owned by B. H. Hartsfield in August, 1949, when a fire truck owned by the City of Birmingham and operated by an employee of the City of Birmingham was so negligently operated by said employee that it skidded into the automobile of B. H. Hartsfield at 22nd Street, South, near Magnolia Avenue, in the City of Birmingham, damaging said automobile to the extent of \$214.67, and the City of Birmingham would be legally liable to B. H. Hartsfield were it not that the operation of a fire truck is regarded as a governmental operation.

Section 2. That the City of Birmingham is hereby authorized to pay to said B. H. Hartsfield a sum not exceeding \$214.67 on account of the aforesaid acts and ensuing damage to the said automobile of B. H. Hartsfield.

Approved July 19, 1951.

Time: 5:38 P. M.

Act No. 266

H. 621—Dumas, Huey, Beatty, Adams (Jefferson), Morgan (Jefferson)

AN ACT

To amend Sec. 287 of Title 62, of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 287 of Title 62, of the Code of Alabama of 1940, be and the same hereby is amended to read as follows:

Section 287. BOARD OF COSMETOLOGICAL EXAMINERS.—For carrying out the provisions of this subdivision, there shall be a Jefferson County Board of Cosmetological Examiners herein sometimes referred to as "the board". The present members of said board having been previously appointed by the County Commission shall serve for the duration of their term but in the event of a vacancy existing at the time of the taking effect of this act or occurring in the future, said vacancy shall not be filled until the number of said board members is reduced to three. It being the intention of this act to reduce the membership of said board to three members as vacancies occur. All appointments to be made by the County Commission or like governing body of the county. Board members shall be named and shall be practitioners of cosmetology of not less than five years experience in this state and shall reside in Jefferson County. The members of the board shall be appointed for a term of two years

and those appointed to fill interim vacancies, shall be appointed only for the unexpired terms of their predecessors. No member of the board shall directly or indirectly be engaged in or interested in selling cosmetological fixtures or supplies and each of such members shall be a qualified voter of the county in which he is appointed at the time of his appointment and during the term he holds office. The board shall keep a record of all proceedings subject to public inspection, and a register of all applicants and registrants, and said board shall have authority to make reasonable rules and regulations for the operation of schools of cosmetology and beauty shops and the practice of cosmetology, not inconsistent with this act as it shall deem necessary for carrying out the provisions of this act, and from time to time alter, repeal or amend such regulations, or any of them. The county health officer shall appoint, and at his pleasure remove an inspector, who shall be under the supervision of the board of cosmetological examiners and the county health officer, and such inspector shall not engage in business as a cosmetologist, operate a cosmetology school nor be directly or indirectly engaged in selling cosmetological fixtures or supplies in any way while serving as such inspector, nor shall such inspector be related by blood or marriage to any member of the board. Such inspector shall have the authority to enter upon and inspect any school or shop of cosmetology in said county for the purpose of enforcing the provisions of this subdivision; and he shall report in writing on the health conditions found therein to the county health officer. Such inspector when appointed by the county health officer shall for his services receive a salary, which shall be paid on the order of the board of cosmetological examiners and with the approval of the chairman of the county commission. Such salary shall be fixed by the county commission of Jefferson County and all reasonable expenses allowed and approved by the board of cosmetological examiners and the chairman of such county commission all of which payments and the other payments herein authorized shall not exceed the total revenue received from licenses and fees paid under this subdivision, during the fiscal year. A copy of all rules and regulations adopted by the board shall be furnished to the proprietor of each shop and school of cosmetology. The report herein above required to be made to the county health officer shall be made in writing and shall contain such matters as may be required by such county health officer and a copy of such report shall in all instances be furnished to the board. No two members of said board shall be a part owner of, or employed by, or work in any one shop or school of cosmetology while in office.

All employees of the Jefferson County Board of Cosmetological Examiners must take an examination and qualify by a Civil Service Examination to be conducted by the existing Civil Service System in said County, except any employees now duly

serving shall be deemed qualified for appointment and shall be deemed appointed under the provisions of said Civil Service System.

Section 2. To repeal all laws or parts of laws in conflict herewith.

Section 3. This act shall become effective immediately upon its approval by the Governor or its otherwise becoming a law.

Approved July 19, 1951.

Time: 5:07 P. M.

Act No. 267

H. 646—Dumas, Beatty, Huey, Morgan (Jefferson), Adams (Jefferson)

AN ACT

To authorize the governing body of each county having a population of four hundred thousand or more according to the 1940 or any succeeding Federal census to employ an actuary or actuaries for the purpose of making a study and analysis of retirement and disability benefits for the employees of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. That the governing body of each county having a population of four hundred thousand or more according to the 1940 or any succeeding Federal census, is hereby authorized to employ a competent actuary or actuaries, to make a study and analysis of the feasibility of providing a retirement and disability payment plan for the employees of such county, so as to provide disability benefits and so as to provide retirement benefits for present employees, in addition to the benefits provided by Federal Social Security, so as to provide a combined retirement system for county employees comparable to the Retirement System provided by Act No. 328, General Laws of Alabama, approved July 9, 1945, (1945 General Laws, pages 531-543) as amended. Such study and analysis shall include the contributions required by employees and by the county to establish and maintain such plan, including lump sum payments for prior service credits. Such study and analysis shall be made at the earliest possible time in order that legislation to effectuate such plan may be adopted at the present session of the Alabama Legislature.

Section 2. The governing body of each such county is hereby authorized to enter into an agreement with such actuary or actuaries with respect to their employment and reasonable compensation for their services and to pay them for such services.

Approved July 19, 1951.

Time: 5:39 P. M.

AN ACT

To amend Section 2 of Title 1 of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Title 1 of the Code of Alabama of 1940 is amended to read as follows:

§2. (1, 2, 4-9) (1, 2, 4-8) (1, 2, 4-8) (1, 2, 4-8) (1, 2, 4-8) (1, 2, 4-8) (1, 2, 4-8) Meaning of certain words and terms.—The following words, whenever they appear in this Code, shall have the signification attached to them in this section unless otherwise apparent from the context:

The word "person" includes a corporation as well as a natural person.

The word "writing" includes typewriting and printing on paper.

The word "oath" includes affirmation.

The words "signature" or "subscription" include mark when the person cannot write, if his name is written near the mark, and witnessed by a person who writes his own name as a witness, and include with respect to corporate securities facsimile signature placed upon any instrument or writing with intent to execute or authenticate such instrument or writing.

The words "lunatic" or "insane" or the term "non compos mentis" include all persons of unsound mind.

The word "property" includes both real and personal property.

The term "real property" includes lands, tenements, and hereditaments.

The term "personal property" includes money, goods, chattels, things in action and evidence of debt, deeds, and conveyances.

The word "circuit" means judicial circuit.

The word "negro" includes mulatto.

The word "mulatto" or the term "person of color" means a person of mixed blood descended on the part of the father or mother from negro ancestors, without reference to or limit of time or number of generations removed.

The word "justice", when applied to a magistrate, means justice of the peace.

The term "justice of the peace", if not otherwise expressed, includes a notary public having and exercising the jurisdiction of a justice of the peace, within the precinct or ward for which he is appointed.

The word "preceding" means next before.

The word "following" means next after.

The word "state", when applied to the different parts of the United States, includes the District of Columbia, and the several territories of the United States.

The term "United States" includes the territories thereof, and the District of Columbia.

The words "jury" or "juries" include courts or judges in all cases when a jury trial is waived, or when the court or judge is authorized to ascertain and determine the facts as well as the law.

The word "month" means a calendar month.

The word "year" means a calendar year; but, whenever the word "year" is used in reference to any appropriations for the payment of money out of the treasury, it shall mean fiscal year.

(1927), p. 716.

Approved July 19, 1951.

Time 5:42 P. M.

Act No. 269

S. 171—Thagard

AN ACT

To amend Title 22, Section 221 of the Code of Alabama of 1940, which relates to the Milk Control Board.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 22, Section 221 of the Code of Alabama of 1940 be, and the same is hereby amended to read as follows:

"Section 221. Disposition of license fees and fines.—The executive secretary and financial officer shall deposit all monies received by him under the provisions of this chapter with the treasurer, auditing said money through the comptroller's office, as is provided for other funds paid into the treasury, and all such money is hereby appropriated to the milk control board to defray the expenses incurred in carrying out and enforcing the powers and duties granted and imposed by this chapter which shall be paid out of the treasury upon warrants drawn by the comptroller, upon approval by the financial officer and any one member of the board, but the milk control board shall in no event issue warrants in a total amount in excess of the amount appropriated therefor by the Legislature in the general appropriation bill. All monies paid by the milk control board into the treasury shall be placed in a special fund therein, to be known as "milk control board fund", and used only for the purpose of the administration of this chapter, and such expenditures shall

be budgeted and allotted in accordance with the provisions of Title 55, Chapter 4, Article 3, of the Code of Alabama of 1940. The books and records of the milk control board shall be subject to state audit, the same as any other state agency."

Section 2. That this Act shall become effective on October 1, 1951.

Approved July 19, 1951.

Time: 5:11 P. M.

Act No. 270

S. 168—Boutwell, Clayton and Hollis

AN ACT

Proposing an amendment to the Constitution of Alabama with respect to appointments and promotions in the Civil Service of the State, and ordering an election thereon.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, to become valid as a part of the Constitution when ratified in accordance with the Constitution and upon proclamation by the Governor:

"A. Appointments and promotions in the Civil Service of this State shall be made according to merit, fitness and efficiency, to be determined, so far as practicable, by examination, which, so far as practicable, shall be competitive under such laws as the Legislature may enact.

"B. It shall be the duty of the Legislature to maintain laws necessary to implement, and to provide adequate financial support for, a positive program of personnel management in the State service.

"C. All State personnel laws now in effect that are not in conflict with this Article shall continue in effect until they are amended or repealed as provided by law. Civil Service status acquired by employees under existing statutes shall not be affected by the provisions of this Article."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive

weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate May 25, 1951.

Passed the House July 17, 1951.

Act No. 271

H. 612—Davis

AN ACT

Relating to St. Clair County; repealing Act No. 335, S. 347, approved September 6, 1935, entitled "An Act To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided" (Local Acts, 1935, pp. 203-204).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 335, S. 347, approved September 6, 1935, entitled "An Act To abolish the office of County Treasurer for St. Clair County, Alabama, and to establish a County Depository in lieu of County Treasurer for St. Clair County, Alabama, to provide for security of County funds in such depository, and to prescribe the duties of such depository; to provide for payment of all County funds to the depository and the method thereof; to provide for the designation of a County Treasurer and his duties and compensation, if the Court of County Commissioners of St. Clair County, Alabama, shall be unable to secure a depository as herein provided," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 24, 1951.

Time: 10:30 A. M.

Act No. 272

S. 276—Andrews

AN ACT

To amend Title 51, Section 779, Code of Alabama 1940, which relates to contents of returns not to be made public and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 779, Title 51, Code of Alabama 1940, be and the same is hereby amended to read as follows:

“Section 779. Contents of returns, etc., not to be made public except as provided herein.—(a) Unless in accordance with a judicial order or as herein provided, the department, its agents, clerks, or stenographers shall not divulge the gross receipts, gross proceeds of sales, or the amount of tax paid by any person as shown by the reports filed under the provisions of this article, except to employees of the department for the purpose of checking, comparing, and correcting returns, or to the governor, or to the attorney general, or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of this article.

(b) Any duly authorized agent of the tax collecting authority of any municipality or county of this state shall have access at any reasonable time upon the written request by the governing body of such municipality or county to the information contained in the sales tax returns, statements, or information secured by the Department of Revenue officials or employees, for the purpose of arriving at the amount of any tax due from any person, firm, or corporation, if such person, firm, or corporation is liable for, or if there is probable cause for believing such person, firm, or corporation might be liable for the payment of any tax to such municipality or county.

(c) Any duly authorized tax collecting authority desiring to secure the information as set out in subsection (b) above shall petition the governing body of such municipality or county of this state to secure such information. Such governing body shall, after the passage of a proper resolution requesting such information, make written request to the Commissioner of Revenue of the State of Alabama for the required information and shall attach to such written request a copy of said resolution.

(d) The Commissioner of Revenue of the State of Alabama shall have authority to promulgate reasonable rules and regulations governing the release of the information as provided in subsection (b) above.

(e) It shall be unlawful for any person to use the information obtained in accordance with subsection (b) above for any purpose other than ascertaining the amount of the taxes due the municipality or county. Any person violating the provisions hereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished according to law.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 24, 1951.

Time: 3:25 P. M.

Act No. 273

H. 505—Russell, Roberts

AN ACT

To submit a constitutional amendment to the qualified electors of the State of Alabama at an election to be held at the next general election after the adjournment of the regular session of 1951 of the Legislature of the State of Alabama or at the first special election held in the State of Alabama after three months after the final adjournment of the regular session of the 1951 Legislature of the State of Alabama, whichever is earlier, for the purpose of authorizing the County of Morgan, outside of the corporate limits of the City of Decatur, to levy and collect in all of Morgan County, Alabama, except in the corporate limits of the City of Decatur, a special school tax not to exceed 75c on each \$100.00 of taxable property to be used solely for public school purposes in all of Morgan County, except in the City of Decatur, when authorized by the qualified voters of all of Morgan County, except the City of Decatur, and providing when the same shall apply to the City of Hartselle.

Be It Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is proposed to be submitted to the qualified electors of the State for their ratification or rejection at an election to be held at the next general election next succeeding the final adjournment of the regular 1951 session of the Legislature, being the session at which this amendment is proposed, or at the next special election held in the State not less than three months after the final adjournment of the regular session of the Legislature of 1951, whichever is earlier, to-wit:

"Morgan County Special School Tax

"The County of Morgan, outside of the corporate limits of the City of Decatur, shall have power to levy and collect a special school tax not exceeding 75c on each \$100.00 worth of taxable property in said County outside the corporate limits of the said City of Decatur in addition to that now authorized or which may hereafter be authorized for public school purposes; provided that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the County outside of the corporate limits of the City of Decatur and voted for by a majority of those voting at such an election; and provided further that said tax shall not apply to property within the corporate limits of the City of Hartselle until after the tax year 1957.

"The funds arising from the special school tax to be levied hereunder and to be collected therefrom shall be expended for

public school purposes for the public schools in all portions of Morgan County, Alabama, except in the City of Decatur.

"The election herein provided for shall be called, held, and the results declared as now provided by the General Laws of the State of Alabama in Code of 1940, Title 52, Section 254, et seq."

Section 2. That it shall be the duty of the Governor to give notice by proclamation to be published in one newspaper in each County in the State of Alabama at least four successive weeks next preceding the date of the election on the amendment proposed by this Act to be submitted to the qualified voters of the State of Alabama for their consideration, together with the proposed amendment.

Section 3. That at an election to be held at the same time of the next general election after the adjournment of the 1951 session of the Legislature or at the first special election held after the expiration of three months after the final adjournment of the 1951 session of the Legislature, whichever is earlier, an election shall be held for the vote of the qualified electors of the State of Alabama upon the proposed amendment. Upon the ballot used at such election shall be printed the following, viz:

"Shall the following amendment to the Constitution of Alabama, applying only to Morgan County, be adopted, to-wit:

"The County of Morgan, outside of the corporate limits of the City of Decatur, shall have power to levy and collect a special school tax not exceeding 75c on each \$100.00 worth of taxable property in said County outside the corporate limits of the said City of Decatur in addition to that now authorized or which may hereafter be authorized for public school purposes; provided that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the County outside of the corporate limits of the City of Decatur and voted for by a majority of those voting at such an election; and provided further that said tax shall not apply to property within the corporate limits of the City of Hartselle until after the tax year 1957.

"The funds arising from the special school tax to be levied hereunder and to be collected therefrom shall be expended for public school purposes for the public schools in all portions of Morgan County, Alabama, except in the City of Decatur.

"The election herein provided for shall be called, held, and the results declared as now provided by the General Laws of the State of Alabama in Code of 1940, Title 52, Sections 254, et seq."

Following the proposed amendment on the ballot shall be printed the word "Yes", and immediately under that shall be printed the word "No". The choice of the elector shall be in-

licated by a cross (x) mark by him opposite the word expressing his desire and vote.

Section 4. The officers of such election shall open a poll for the vote of the qualified electors upon the proposed amendment. The election shall be held in all things in accordance with the law governing general elections. In the election upon the proposed amendment, the votes cast thereat shall be canvassed, tabulated and the returns thereof made to the Secretary of State and counted in the same manner as in elections for Representatives to the Legislature of Alabama, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the Governor of Alabama.

Constitutional Amendment.

Passed the House June 15, 1951.

Passed the Senate July 24, 1951.

Act No. 274

H. 64—Baker

AN ACT

To propose an amendment to the Constitution of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

AMENDMENT

"No person who honorably served in the military service of the United States between January 1, 1917 and November 11, 1918, or between September 16, 1940 and December 8, 1941, or at any time past, present or future, when the United States was, is or shall be engaged in hostilities, whether as a result of a declared war or not, with any foreign state shall be required after the beginning of such service to pay the poll tax specified in the Constitution of Alabama as a prerequisite to the privilege of voting in Alabama; but, on the contrary, every such person shall be exempt from the payment of all poll taxes which have theretofore accrued and have not been paid or which may thereafter accrue; provided, however, that if any such person is discharged dishonorably from service the exemption herein provided is forfeited, and such dishonorably discharged person, as a prerequisite to the privilege of voting in Alabama thereafter, must pay the poll tax specified in the Constitution of Alabama as if such person had never been in service. The term 'military

service' as used herein includes service in the United States Army, the United States Navy, The United States Air Forces, the Marine Corps, the Coast Guard, or any reserve or auxiliary complement of any of said services. The Judge of Probate shall issue a certificate of exemption to a person exempt from the payment of poll tax by reason of this amendment under such rules and regulations as may be prescribed by the Governor. This amendment shall be self-executing and retroactive; but the Legislature is authorized to enact laws designed to carry out the purpose of this Amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House June 19, 1951.

Passed the Senate July 24, 1951.

Act No. 275

H. 228—Selden, Fite (Walker), Crocker

AN ACT

Regulating the business of selling, distributing, storing or transporting liquefied petroleum gases: To regulate the design, construction, location, installation and operation of containers, tanks, systems and equipment for storing, utilization, handling and transporting liquefied petroleum gases; to create the Alabama Liquefied Petroleum Gas Commission and define its duty and authority; to provide for permits, permit fees and insurance and bond requirements of persons engaged in the businesses defined in this Act; to provide for a minimum amount of storage of liquefied petroleum gas by persons engaged in businesses defined in this Act; to provide penalties for the violation of this Act and any rule, or order promulgated pursuant hereto and to provide for the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. **SHORT TITLE.**—This Act shall be known as the "Alabama Liquefied Petroleum Gas Act."

Section 2. **DEFINITIONS.**—As used in this Act: "Liquefied Petroleum Gas" shall mean and include any material which is

composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butanes (Normal butane or isobutane), and butylenes; "Commission" shall mean the Alabama Liquefied Petroleum Gas Commission, and "Person" shall mean every natural person, firm, co-partnership, association or corporation.

Section 3. COMMISSION.—There is hereby created and established the Alabama Liquefied Petroleum Gas Commission. The President and the two associate members of the Alabama Public Service Commission shall compose said Commission and shall be Ex-officio members thereof. The Commission shall hold its first meeting not later than twenty (20) days following the effective date of this Act, and thereafter shall meet at such intervals as may be necessary for the proper performance of its duties. All meetings of the Commission shall be held at Montgomery, Alabama. The President of the Alabama Public Service Commission shall be Chairman of the Commission and two members of the Commission shall constitute a quorum for the transaction of any business which may come before the Commission. The Commission shall have the power to adopt by-laws and rules of administrative procedure.

Section 4. COMPENSATION AND EXPENSES OF COMMISSION.—Each member of the Commission, for the additional duties imposed on him by this Act, shall receive as compensation for his services a per diem of Ten and No/100 (\$10.00) Dollars and shall be reimbursed for his necessary expense incurred in the performance of his duties as a member of the Commission. No member of the Commission shall receive per diem and expense allowance for more than twenty (20) days in any one calendar year.

Section 5. ADMINISTRATION.—The Commission shall appoint a secretary and shall fix his compensation, which officer shall, before entering upon the duties of his office, make and file with the Secretary of State an official bond in an amount to be fixed by the Commission, premiums on which shall be paid out of funds of the Commission, said bond shall be payable to the State of Alabama and shall be written by an approved insurance company qualified to do business in the State of Alabama. The Commission shall prescribe the duties of the secretary of the Commission and shall adopt a Seal which shall be in the care and custody of the secretary. The Commission shall have authority, subject to the provisions of the Merit System, to employ such assistants and inspectors as may be necessary to carry out the provisions of this Act, and shall prescribe their duties. All fees collected under the provisions of this Act shall be deposited by the Commission in a depository approved by the Treasurer of Alabama. Drafts shall be drawn upon such funds in accordance with the rules and regulations prescribed by the Commission.

All expenses certified by the Commission as properly and necessarily incurred in the discharge of its duties including authorized compensations, office rent and supplies shall be payable solely from funds collected pursuant to the provisions of this Act. In no event shall any expense incurred by the Commission be charged against any funds of the State of Alabama, other than the funds collected under the provisions of this Act. All unused funds belonging to the Commission in excess of Five Thousand Dollars (\$5,000.00) shall at the end of each fiscal year be paid into the General Fund of the State of Alabama.

Section 6. DUTIES OF COMMISSION.—The Commission shall have the power to make and enforce rules and regulations governing the design, construction, location, installation and operation of containers, tanks, systems and equipment for storing, utilizing, handling and transporting liquefied petroleum gases, and rules to secure the substantial accuracy of all meters, safety devices and regulators generally used in connection with such gases. Said rules and regulations shall be such as are reasonably necessary for the protection of the health and safety of the public, and persons using such gases, and shall be adopted only after a public hearing thereon. All rules and regulations shall be printed in pamphlet form and shall be mailed to all liquefied petroleum gas dealers registered with the Commission and to any person upon request, provided the Commission may adopt as its own rules the published regulations of the National Board of Fire Underwriters, the National Fire Protection Association, or any other nationally recognized agency covering the same subject, by reference thereto. All rules and regulations so adopted by the Commission shall become effective thirty (30) days after adoption thereof.

Section 7. INSURANCE AND BONDS REQUIRED; PERMIT.—Before any person shall engage in or continue in the business of selling, distributing, storing or transporting liquefied petroleum gases, except where the liquefied petroleum gas so handled is in quantities of less than one gallon U. S. water capacity and is an integral part of a device for its utilization, or in the business of selling, installing, servicing, repairing or adjusting liquefied petroleum gas containers, tanks or systems, at retail, in the State of Alabama, such person shall make application for, on forms provided by the Commission, and shall first obtain from the Commission a permit, and shall execute and file with the Commission a bond and the insurance herein required. Such bond shall be in the sum of Five Thousand and No/100 (\$5,000.00) Dollars, payable to the State of Alabama, and conditioned on the full compliance with the provisions of this Act. Said bond shall be written by an insurance company qualified to do business in the State of Alabama. In lieu of such surety bond, a personal bond in the amount of Five Thousand and No/100 (\$5,000.00) Dollars may be used, provided the same is secured by bonds or

other obligations of the State of Alabama, or United States Government of equal value, and in addition thereto shall also file with the Commission evidence that he has in force such of the hereinafter listed insurance coverage written on standard contract forms by an insurance company, or companies, qualified to do business in the State of Alabama, based upon those of the activities listed above in which he is engaged, viz:—

Insurance	Amount
Automobile public liability.....	\$20,000.00
Automobile property damage.....	10,000.00
Manufacturers or contractors public liability.....	20,000.00
Manufacturers or contractors property damage.....	10,000.00
Products liability	20,000.00
Products property damage.....	10,000.00

It is provided, however, that in lieu of filing with the Commission evidence that such insurance coverage, as outlined above, is in force, such person may file with the Commission a good and sufficient surety bond executed by an insurance company qualified to do business in this state in an amount of Twenty Thousand and No/100 (\$20,000.00) Dollars, which bond shall be payable to the State of Alabama, and shall be conditioned to guarantee the payment of all damages which proximately result from any act of negligence on the part of such person, or his agents, servants or employees, while engaging in any of the activities herein specified. In lieu of such surety bond any such person may execute and file a good and sufficient personal bond in the amount and conditioned as above specified, which said personal bond shall be secured by bonds or other obligations of the State of Alabama, or the United States Government of equal value.

Section 8. PERMIT FEES.—Every applicant for a permit, as provided in Section 7 of this Act, shall at the time of issuance of the permit by the Commission and annually thereafter pay to the Commission a minimum permit fee of Two Hundred, Fifty Dollars (\$250.00); applicants who are engaged in the business of selling liquefied petroleum gases shall pay a permit fee equal to one-fourth ($\frac{1}{4}$) of one per cent (1%) of his annual gross receipts from the sale of Liquefied Petroleum Gas based on dollar volume sales for the preceding twelve (12) months, said annual fee however shall not be less than two hundred fifty nor more than Five Hundred Dollars (\$500.00), which shall be the maximum fee due under the provisions of this Act. Said permits and fees shall be due on October 1st and delinquent on October 31st of each year. Every person required to secure such permit and pay said fees who fails to do so by said delinquent date shall incur a penalty of Ten Dollars (\$10.00) for each day he is delinquent in complying with the provisions of this Section, and said penalty shall be paid to the Commission before the issuance of said permit.

Section 9. STORAGE.—The Commission shall require that every person in the business of selling and distributing liquefied petroleum gases or in the business of selling or installing liquefied petroleum gas tanks, containers or systems have located within the State of Alabama a minimum of 15,000 (water gallon capacity) storage for liquefied petroleum gases for each one thousand (1000) customers or a fraction thereof serviced by such person. The Commission shall have authority to examine the books and records of such person for the purpose of determining the number of customers serviced by such person. The Commission shall further require such person to present evidence to the Commission that he has a bona fide contract to procure for resale liquefied petroleum gases.

Section 10. PENALTIES.—Any person violating any provision of this Act or any rule, order or regulation promulgated pursuant hereto shall, on conviction thereof, be fined not more than One Hundred and No/100 (\$100.00) Dollars and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than six (6) months and every violation of any provision of this Act or any rule, order or regulation promulgated pursuant hereto shall constitute a separate offense.

Section 11. FAILURE TO OBTAIN PERMIT; SECOND OFFENSE; INJUNCTION.—Any person engaging, in the State of Alabama, in any of the businesses defined in Section 7 of this Act, without first having secured a permit, as provided by this Act, or who shall have been convicted of a second or subsequent offense of violating any of the provisions of this Act or any rule, order or regulation promulgated pursuant hereto may be enjoined from engaging in such business in the State of Alabama, for a period of not less than one or more than five years and the Commission, through the Circuit Solicitors or Attorney General, may institute such action in courts of competent jurisdiction of this State, without the necessity of posting bond.

Section 12. MANUFACTURERS AND APPLIANCES NOT AFFECTED.—The provisions of this Act shall not apply to manufacturers or purchasers of liquefied petroleum gases who sell all of the liquefied petroleum gases so manufactured or purchased exclusively to resellers, nor shall the same apply to the sale of appliances which use, burn or consume liquefied petroleum gases. Liquefied petroleum gas distributions owned and operated by any municipality in this State shall also be exempt from the provisions of this Act.

Section 13. SEVERABILITY OF PROVISIONS.—If any of the provisions of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions and applications, and to this end the provisions of this Act are declared to be severable.

Section 14. **REPEALING CLAUSE.**—The provisions of this Act and the rules, orders and regulations promulgated pursuant hereto are hereby declared to comprise all the laws, rules and regulations pertaining to the regulation and use of liquefied petroleum gases in this State, and all laws, parts of laws, rules and regulations in conflict herewith are hereby expressly repealed.

Section 15. **EFFECTIVE DATE.**—This Act shall become effective the 30th day of September following its passage and approval by the Governor or its otherwise becoming law.

Approved July 26, 1951.

Time: 3:00 P. M.

Act No. 276

H. 731—Leonard, Payne

AN ACT

To re-divide the State into Judicial circuits and provide for the compensation, election and/or appointment of the Judge and Solicitor of the newly created Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The State of Alabama is divided into Judicial Circuits for the Circuit Courts, which circuits are numbered and composed of the counties as follows: First Circuit—Choctaw, Clark and Washington. Second Circuit—Butler, Crenshaw and Lowndes. Third Circuit—Barbour, Bullock and Dale. Fourth Circuit—Bibb, Dallas, Hale, Perry and Wilcox. Fifth Circuit—Chambers, Lee, Macon, Randolph and Tallapoosa. Sixth Circuit—Tuscaloosa. Seventh Circuit—Calhoun and Cleburne. Eighth Circuit—Cullman, Lawrence, Limestone, and Morgan. Ninth Circuit—Cherokee, DeKalb and Jackson. Tenth Circuit—Jefferson. Eleventh Circuit—Colbert, Franklin and Lauderdale. Twelfth Circuit—Coffee and Pike. Thirteenth Circuit—Mobile. Fourteenth Circuit—Walker. Fifteenth Circuit—Montgomery. Sixteenth Circuit—Etowah and St. Clair. Seventeenth Circuit—Marengo, Greene and Sumter. Eighteenth Circuit—Clay, Coosa and Shelby. Nineteenth Circuit—Autauga, Chilton and Elmore. Twentieth Circuit—Henry and Houston. Twenty-First Circuit—Concuh, Escambia and Monroe. Twenty-Second Circuit—Covington and Geneva. Twenty-third Circuit—Madison. Twenty-Fourth Circuit—Fayette, Lamar and Pickens. Twenty-fifth Circuit—Marion and Winston. Twenty-sixth Circuit—Russell. Twenty-Seventh Circuit—Blount and Marshall. Twenty-eighth Circuit—Baldwin. Twenty-ninth Circuit—Talladega.

Section 2. The Judge of the Twenty-ninth Circuit shall be paid the same compensation from the same sources, at the same time, and in the same manner as that now provided by the gen-

eral laws of the State of Judges of Circuits composed of only one county and having only one judge.

Section 3. The Circuit Solicitor of the Twenty-ninth Circuit shall have the same duties and shall be paid the same compensation from the same sources, at the same time, and in the same manner that is now provided for Circuit Solicitors by the general laws of the State.

Section 4. Within thirty days after the passage and approval of this Act or its otherwise becoming a law, the Governor shall appoint the Judge of the Twenty-ninth Circuit whose term of office shall begin on the first day of the month immediately after his appointment and qualification, and who shall hold office until the next general election for any State Offices and until his successor shall have been elected and qualified; that thereafter such Judge shall be elected at the same time and for the same term of office as other Circuit Judges are elected in the State.

Section 5. Within thirty days after the passage and approval of this Act, or its otherwise becoming a law, and simultaneously with or after the appointment of the Judge of the Twenty-ninth Circuit as hereinabove provided, the Governor shall appoint the Circuit Solicitor for the Twenty-ninth Circuit whose term of office shall begin on the first day of the month immediately after appointment and qualification, and who shall hold office until the next general election for any State Offices and until his successor shall have been elected and qualified; that thereafter such Circuit Solicitor shall be elected at the same time, and for the same term of office as other Circuit Solicitors are elected in the State.

Section 6. At the general election for state offices in 1952, a Judge and a Solicitor for the said Twenty-ninth Judicial Circuit shall be elected, the Judge for a term commencing on the first Monday after the second Tuesday in January, 1953, and he shall hold office until the first Monday after the second Tuesday in January 1959, and until his successor is elected and qualified, the Solicitor for a term commencing on the first Monday after the second Tuesday in January 1953, and who shall hold office until the first Monday after the second Tuesday in January 1957, and until his successor is elected and qualified. The successors of the Judge and Solicitor of the said Twenty-ninth Judicial Circuit elected for the terms above provided shall be elected at the times and in the manner of other Circuit Judges and Solicitors of the State of Alabama.

Section 7. The Judges of the Seventh Judicial Circuit shall hold court for the Twenty-ninth Judicial Circuit until the first day of the term of office of the person first appointed or elected to be the Judge of the Twenty-ninth Circuit as said term is defined in this Act.

Section 8. The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 10. This Act shall become effective upon its passage and approval by the Governor or otherwise becoming a law.

Approved July 26, 1951.

Time: 4:20 P. M.

Act No. 277

H. J. R. 68—Wilkins, Pflieger, Gallalee

HOUSE JOINT RESOLUTION

Whereas the members of the House of Representatives and Senate of the State of Alabama were guests of the Auburn and Opelika Chambers of Commerce on July 11, 1951; and

Whereas the Legislators enjoyed immensely the recreational facilities and natural beauty of Lee County as well as the wonderful hospitality of the citizens of Lee County;

Now, Therefore, be it Resolved by the House of Representatives and Senate concurring that the Auburn and Opelika Chambers of Commerce and all those citizens of Lee County who participated as hosts in the aforesaid day of entertainment are hereby heartily thanked and assured of the appreciation of this body for the hospitality so accorded.

And Be it Further Resolved that a copy of this resolution be sent to the Auburn and Opelika Chambers of Commerce.

Approved July 26, 1951.

Time: 4:00 P. M.

Act No. 278

H. J. R. 70—Merrill

HOUSE JOINT RESOLUTION

Be It Resolved by the House, the Senate concurring, that House Bill No. 159 be known as the Merrill-Thagard Bill.

Approved July 26, 1951.

Time: 4:01 P. M.

Act No. 279

H. J. R. 71—Fite (Walker)

HOUSE JOINT RESOLUTION

Be it resolved by the House of Representatives of the State of Alabama, the Senate concurring, that H. B. No. 46, be desig-

nated as the Oden, Fite (Walker), Clayton, Andrews, Thagard, Foster, High, Reneau, McCary and Johnson Bill.

Approved July 26, 1951.

Time: 4:02 P. M.

Act No. 280

H. J. R. 72—Meeks

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives, the Senate concurring that Senate Bill No. 10, which has passed both Houses, be named the High-McCary-Harrison (Shelby) and Meeks Bill.

Approved July 26, 1951.

Time: 4:03 P. M.

Act No. 281

H. 302—Harrison (Shelby), Crocker, McKee,
Wesley, Taylor, Denton

AN ACT

To authorize the appointment of two additional deputies sheriff in counties having populations of not less than 29,400 nor more than 30,500 inhabitants, and to provide for their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of any county having a population of not less than 29,400 nor more than 30,500 inhabitants, according to the 1950 or any subsequent federal decennial census, may appoint and employ not more than two deputies sheriff in addition to any deputies sheriff now authorized by law, whose compensation shall be fixed by the governing body of the county at not less than one hundred fifty nor more than three hundred dollars per month, to be paid out of any funds in the county treasury not otherwise appropriated.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:05 P. M.

Act No. 282

S. J. R. 40—Mr. High

SENATE JOINT RESOLUTION

Be It Resolved that Senate Bill No. 97 which has been passed by both the Senate and House of Representatives be known as the High, Clayton, Givhan and Garrett Bill.

Approved July 26, 1951.

Time: 4:05 P. M.

AN ACT

To amend Section 305 of Title 55 of the Code of Alabama, 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 305 of Title 55 of the Code of Alabama, 1940, is amended to read:

"Section 305. The director shall conduct tests to establish employment registers for the various classes of positions in the classified service. The tests shall take into consideration elements of character, reputation, education, aptitude, experience, knowledge, skill, personality, physical fitness, and other pertinent matters and may be written or oral or any other demonstration of fitness as the director may determine. Public notice of the time, place, and general scope of every test shall be given. The director, with the approval of the board, shall determine the qualifications for admission to any test. For a promotion test, the qualifications shall include the requirement that an applicant be employed in a position in such class, and for such length of time, as the director shall specify, subject to the rules. Every applicant upon examination shall declare whether he or she is a citizen of the United States of America, and the director shall not qualify any person for a job who is not a citizen of the United States of America. Admission to tests shall be open to all persons who appear to possess the required qualifications and may be lawfully appointed to a position in the class for which a list is to be established, and no fee shall be charged therefor. The director may, however, reject the application of any person for admission to a test or may strike the name of any person from a list or refuse to certify the name of any person on a list for a position if he finds that such person lacks any of the required qualifications, or is physically unfit to perform effectively the duties of the position in which he seeks employment, or is addicted to the habitual excessive use of drugs or intoxicating liquor, or has been convicted of a crime involving moral turpitude, or guilty of any notoriously disgraceful conduct, or has been dismissed from the public service for delinquency, or has made a false statement of a material fact or practiced or attempted to practice any fraud or deception in his application or test or in attempting to secure appointment. All persons who have been honorably discharged from the army, navy, air force, marine corps, or coast guard, who served in the armed forces of the United States during the period of a war, or during any time, past present, or future, when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not, shall have five points added to any earned ratings in examination for entrance to the classified service; provided, however, that such person be a qualified voter in Alabama or has been a resident of this state for two years next

preceding his or her application; all persons who served in the armed forces of the United States during the period of a war, or during any time, past, present or future, when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not, who have been honorably discharged and who establish by official records of the United States the present existence of a service-connected disability, and because of disability are entitled to pension, compensation, or disability allowance under existing laws; and widows of such persons who shall have died in line of duty during any such period; and widows of such persons who shall have been honorably discharged from the army, navy, air force, marine corps, or coast guard; and wives of such persons who shall have been honorably discharged from the army, navy, air force, marine corps, or coast guard, who because of service-connected disability are not themselves qualified but whose wives are qualified, shall have ten points added to any earned ratings. In entering upon registers the names of preference claimants entitled to five points additional, they will take the place to which their ratings entitle them on the register with non-veterans—that is, the earned ratings augmented by the five points to which they are entitled, and will be certified when their ratings are reached. The name of a veteran with the augmented rating is entered ahead of the name of a non-veteran when their ratings are the same. The names of persons entitled to ten-point preference, however, will be placed ahead of all others on the register with the same rating (that is, ahead of veterans entitled to five points preference and non-veterans), and shall be then certified in the order of their augmented ratings. An appointing officer who passes over a veteran eligible and selects a non-veteran with the same or lower rating shall file with the director the reasons for so doing, which reasons will become a part of the veteran's record but will not be made available to anyone other than the veteran himself except, in the discretion of the appointing officer. When reductions are being made in any part of the classified service persons entitled to military preference in appointment shall be the last to be discharged or dropped or reduced in rank or salary if his record is good; or if his efficiency rating is equal to that of any employee in competition with him who is retained in the service in his department. The board shall in establishing and administering standards of personnel qualifications, pay plans and tests both for personnel now in place as well as that later employed, cooperate with and avail itself fully of the advice and assistance of the appointing authorities involved and of the federal government in those departments administered in whole or in part with federal funds."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:15 P. M.

Act No. 284

S. 74—Clayton

AN ACT

To amend Section 543 of Title 37 of the Code of Alabama, 1940, which relates to the continuance of liens of municipalities for public improvement assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 543 of Title 37 of the Code of Alabama, 1940, is amended to read: "The enforcement by the state, county, city or town of its lien for taxes on any lot upon which has been levied an assessment for any improvement authorized by this article shall not operate to discharge, or in any manner affect the lien of the municipality for the assessment, but any purchaser at any tax sale by the state, county, city or town of any lots or parcels of land upon which an assessment has been levied, shall take them subject to such assessment. All liens for public improvements which cities and towns in this state now have or may hereafter acquire under the general laws of this State shall continue until they are paid or extinguished, or until the expiration of twenty years from the date of default in payment of the assessment or from the date when there was a due recognition of the indebtedness after default, after which time the enforcement of the lien shall be barred and the indebtedness conclusively presumed to have been paid. Provided, however, that any municipality in which any assessment liens have been in default for more than twenty years, and have not been fully liquidated, such municipality shall have a period of twelve months after the effective date of this act in which to fully liquidate the remaining part of such municipal assessment lien.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:06 P. M.

Act No. 285

S. 80—Robison, Richardson, Hollis

AN ACT

To provide that all money or funds received or collected by the Department of Examiners of Public Accounts in the form of fees, receipts, or income, as a result of services rendered in connection with municipal audits, or otherwise, be covered by said department into the Treasury of the State of Alabama to the credit of the General Fund of the State; that no law, local, special, or general, be repealed hereby, and to provide for the effective date of said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That all money or funds received or collected by

the Department of Examiners of Public Accounts in the form of fees, receipts, or income as a result of services rendered in connection with municipal audits, or otherwise, be covered by said department into the Treasury of the State of Alabama to the credit of the General Fund of the State of Alabama.

Section 2. That no law, local, special, or general, be repealed hereby, and the provisions of Title 55, Section 103, Code of Alabama 1940, remain fully effective as to the Department of Examiners of Public Accounts.

Section 3. That the provisions of this Act shall become effective on the first day of October, 1951.

Approved July 26, 1951.

Time: 4:07 P. M.

Act No. 286

S. 98—McCary

AN ACT

To require each county governing body to pay the cost of advertising all local bills introduced in the legislature by members from the county; and requiring any municipality or municipalities within the county to reimburse the county for the cost of advertising bills affecting such municipality or municipalities exclusively.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of each county of the state shall pay from the county treasury, at the regular legal rate, the cost of the advertising of notice and substance of all local bills which may be introduced in the legislature by any member of the legislature from the county if the notice is signed by any such member, whether such bill is passed by the legislature or not. If the bill is for the benefit of or in reference to subjects or matters exclusively relating to one or more municipalities in the county, the municipality or municipalities shall reimburse the county for the cost of such advertising. If two or more municipalities are liable to reimburse the county for the cost of advertising the same bill, each municipality shall pay to the county an amount which bears the same ratio to the total cost of advertising as such municipality's population bears to the total population of all the municipalities affected by the bill.

Section 2. All laws or parts of laws in conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:08 P. M.

Act No. 287

S. 107—Thagard, Johnston (Mobile)

AN ACT

Relating to the revocation of wills; and repealing Section 9 of Title 61 of the Code of Alabama (1940).

Be It Enacted by the Legislature of Alabama:

Section 1. A divorce from the bonds of matrimony operates as a revocation of that part of the will of either party, made during coverture, making provision for the spouse of such party; and if after the making of a will, a woman marries, the marriage operates as a revocation of the will.

Section 2. Section 9 of Title 61 of the Code of Alabama (1940) is repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:09 P. M.

Act No. 288

S. 110—Thagard

AN ACT

To authorize wholesale merchants to form non-profit associations, co-operatives or corporations; and prescribing the procedure therefor and the powers and privileges of such organizations.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever ten or more wholesale merchants wish to form an association, co-operative society, or corporation, not for pecuniary profit in the sense of paying interest or dividends on stock, but for mutual benefit through the application of co-operation or other economic principles, they may become a body corporate in the manner provided in the following sections.

Section 2. The person proposing to form such corporation, shall file with the probate judge of the county in which it proposes to establish itself, a declaration in writing, setting out the name of said proposed corporation, the names of the charter members and the purposes of said corporation.

Section 3. Upon the filing of such declaration the judge of probate shall issue to such corporation a charter, which shall be perpetual, subject to revocation at any time by the legislature.

Section 4. Said corporation so formed may elect such officers as it may deem necessary, in such manner and for such terms as it may provide, and remove the same at any time, and adopt

such constitution and by-laws as it may see fit, not to conflict with the constitution and laws of this state.

Section 5. Such co-operative society, association or corporation may promote and foster trade and commerce, and may reform abuses relative thereto, may secure freedom from unjust and unlawful executions, may diffuse accurate and reliable information as to the standing of individuals seeking credit of members of such society or association, may settle differences between its members, may promote a more enlarged and friendly intercourse between the members of its societies or association, may acquire, hold, own and dispose of such property as may be necessary and incidental to the proper conduct of said society or association, and may do all other things incident to its purpose for the mutual benefit of its members.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:10 P. M.

Act No. 289

S. 128—Thagard

AN ACT

To Amend Sections 2, 18, 22, 23, 24, 25, 37, 40, 95, 104 and 105, of Title 10 of the Code of Alabama of 1940 and to repeal Section 36 of Title 10 of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§ 2. (6965) (3446) Certificate, contents of.—The certificate of incorporation shall be signed by all the subscribers to the capital stock named therein, and shall set forth:

(1). Name of corporation.—No name shall be assumed which is identical with that of any corporation already existing in this state, or so nearly similar thereto as to lead to confusion and uncertainty, nor shall the name of any person or partnership be assumed without the addition of the word "incorporated".

(2). Object.—The object or objects for which the corporation is formed.

(3). Location.—The location of its principal office in this state.

(4). Capital stock.—The total number of shares of stock which the corporation shall have authority to issue; the amount of capital stock with which it will begin business, which shall not

be less than twenty-five percent of the authorized capital, and in no case less than one thousand dollars; but if the corporation is formed for the purpose of carrying on the business of banking or that of a trust company, the amount of capital stock with which it will begin business shall in no case be less than is provided in this Code; or if the corporation is formed for the purpose of carrying on the business of insurance in any of its branches, or of any kind or nature, whatsoever, except title guaranty companies, the amount of capital stock with which it will begin business shall in no case be less than one hundred thousand dollars. If there be more than one class of stock created by the certificate there shall also be stated a description of the different classes of stock, with the terms on which each class is created.

(5). Officer to receive subscription.—The name and post office address of the officer or agent designated by the incorporators to receive subscriptions to the capital stock.

(6). Incorporators and shares.—The names and post office addresses of the incorporators, and the number of shares subscribed for by each; the aggregate of such subscription shall be the capital stock with which the company may commence business; the names and post office addresses of the directors and the officers chosen for the first year.

(7). Time limit.—The period, if any, limited for the duration of the corporation.

(8). Special requirements.—If the corporation is a railroad, or a railway, canal, navigation, or other transportation company, unless it is proposed to do business in only one town or city, the certificate shall also state the terminals and such other points along the lines of such company as the incorporators may deem proper; and if a navigation company, it shall also contain the names of the streams, seas, or other bodies of water within the jurisdiction of this state it is proposed to navigate, and whether or not it will engage in interstate and foreign commerce. If the corporation is a telegraph or telephone company, the certificate shall state the names of the county or counties in which it is proposed to do business.

(9). For public or municipal works.—If the corporation is formed for the purpose of constructing, operating, or maintaining or purchasing any work or plant of internal improvement or public utility other than those named in the next preceding subdivision, the certificate shall also state the names of the counties, cities, towns or other municipal subdivisions in which it is proposed to do business, together with the streets and other public places thereof, in or near, or between, which it is proposed to construct or operate such works of internal improvement or public utility; if the business of the corporation includes

that of supplying water to any such municipal subdivision, or the inhabitants thereof, the certificate shall also state the stream or streams, or other sources from which it will derive its water supply; and if it is proposed to furnish any such municipal subdivision with a sewerage system, the method of disposing of the sewage shall be stated, together with the names of any stream or body of water, if any, and the point or points thereon, into which the sewage will be discharged.

(10). Special provisions.—The certificate may also contain any other provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation, the directors and stockholders, or any class or classes of stockholders, provided, that such provision be not inconsistent with this article or the constitution of the state. (1909, p. 63)

(11). The certificate may contain provisions limiting or denying to the stockholders the preemptive right to subscribe to any or all issues of stock of the corporation of any or all classes.

(12). The certificate may contain provisions requiring for any corporate act the vote of a larger proportion of the stock or any class thereof than is required by this title.

Section 2. Section 18, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§18. (6982) (3462) Changes or amendment of charter and scope of business; how affected.—Every corporation chartered under this title or under any general or special law of this state may, from time to time, when and as desired, amend its certificate of incorporation without limitation, by adding to its corporate powers and purposes, or by diminution thereof, or both; or by substitution of other powers and purposes, in whole or in part, for those prescribed by its certificate of incorporation; or by increasing or decreasing its authorized capital stock or reclassifying the same, by changing the number, par value, designations, preferences, privileges, voting powers, and rights of redemption, retirement and conversion and provisions as to security, or relative, participating, optional or other special rights of the shares, or the qualifications, limitations or restrictions of such rights (except the right to vote shall not be denied as to the creation of bonded indebtedness, the increase of capital stock, the issuance of preferred stock, disposition of the entire property of the corporation, consolidation, merger or dissolution of the corporation), or by changing shares with par value into shares without par value, or shares without par value into shares with par value, either with or without increasing or decreasing the number of shares; or by changing the corporate title of the corporation, the nature of its business, the location of its principal office in this state, or by renewing or extending its corporate existence; or

by making any other change or alteration in its certificate of incorporation that may be desired; and any or all such changes or alterations may be effected by one certificate of amendment.

In order to effect such amendment, change or alteration, the board of directors shall first pass a resolution declaring that such amendment, change or alteration is desirable and give special notice of action to be taken thereon at a duly called meeting of the stockholders. Such resolution and notice need not set out the language of the proposed amendment but shall be sufficient if they state the nature of the proposed amendment, and the language and details of such amendment may be fixed at the stockholders meeting. Specifically, without limiting the generality of the foregoing, in the case of a resolution proposing the creation, authorization, or reclassification of preferred stock, the resolution need not state the dividend rate or dividend payment dates of such preferred stock, the redemption price thereof or the amount payable in the event of voluntary or involuntary liquidation. An amendment may be adopted at such meeting by the vote of the holders of the larger amount in total value of all stock having voting power, or by such greater vote as the constitution or articles of incorporation, may require.

After an amendment has been adopted, a certificate under the seal of the corporation, setting forth the amendment and certifying that such amendment has been duly adopted in accordance with the provisions of this section, shall be signed by the president or other chief executive officer, or a vice-president and the treasurer or secretary or an assistant treasurer or an assistant secretary of the corporation. Such certificate shall be filed in the office of the judge of probate of the county in which the corporation was organized; or, if the corporation shall have been created by an act of the legislature prior to the adoption of the Constitution of 1901, or result from a joint agreement of merger or consolidation, such certificate shall be filed in the office of the secretary of state. Upon the filing of such certificate, the certificate of incorporation shall be deemed to be so amended, but such certificate of amendment, alteration, change or renewal or extension, shall contain only such provisions as would be lawful and proper to insert in an original certificate of incorporation, made at the time of making such amendment.

(a) If the amendment creates or authorizes preferred stock, such amendment must be adopted by a vote of the owners of two-thirds of the total value of the capital stock of the corporation.

(b) If the total number of shares is to be increased or decreased the amendment shall state: (1) the total number of shares, including those previously authorized, which the corporation will thenceforth be authorized to have outstanding; (2) the number of shares that have a par value and the par value there-

of; and (3) the number of shares that have no par value; and if shares are divided into more than one class, (4) a description of the classes with the terms on which each class is created.

The term certificate of incorporation as used in this certificate includes a joint agreement of merger or consolidation.

Section 3. Section 22, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§22. (6986) (3463) The business of every corporation organized under article one of the preceding chapter shall be managed by a board of directors, except as hereinafter, or in the certificate of incorporation, otherwise provided.

Section 4. Section 23, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§23. (6987) (3464) The directors shall be elected annually and hold office until their successors are respectively elected and qualified. Failure to elect officers or directors at any time designated for their election shall not work a dissolution of the corporation, but the several officers or directors thereof shall continue to hold office until their successors are elected.

Section 5. Section 24, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§24. (6988) (3465) A majority of the directors shall constitute a quorum for the transaction of business, unless the by-laws or certificate of incorporation shall provide that a different number shall constitute a quorum, which for corporations organized under article one of the preceding chapter shall not be less than one-third of the total number of directors nor less than two directors. The board of directors may by resolution or resolutions, passed by a majority of the whole board, designate one or more committees, each committee to consist of two or more of the directors of the corporation, which to the extent provided in such resolution or resolutions or in the by-laws of the corporation, shall have and may during intervals between the meetings of the board exercise the powers of the board of directors in the management of the business and affairs of the corporation and may have power to authorize the seal of the corporation to be affixed to all papers which may require it.

Vacancies occurring in the board of directors, and newly created directorships resulting from any increase in the authorized number of directors, may unless prohibited by the certificate of incorporation or by-laws, be filled by the remaining directors, provided such remaining directors constitute a quorum. In the event such remaining directors do not constitute a quorum, then the remaining directors must call a meeting of the stockholders, of which meeting each stockholder shall receive not less than

five days' notice, and the stockholders of such corporation shall, at such meeting, fill the vacancies in the board of directors.

A director of any corporation organized under the provisions of the preceding chapter or a member of a committee designated by the board of directors pursuant to authority conferred by this chapter, shall in the performance of his duties be fully protected in relying in good faith upon the books of account or reports made to the corporation by any of its officials, or by an independent certified public accountant, or by an appraiser selected with reasonable care by the board of directors or by any such committee, or in relying in good faith upon other records of the corporation.

Section 6. Section 25, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§25. (6989) (3466) The number of directors which shall constitute the whole board shall be such as from time to time shall be fixed by, or in the manner provided in, the by-laws or the certificate of incorporation, but in no case shall the number be less than three.

Section 7. Section 37 of Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§37. (6972) (3453) Fees upon filing report.—Upon the filing of an amendment to a certificate of incorporation to increase the capital stock of the corporation, there shall be paid to the probate judge or the secretary of state as the case may be the same fees for recording and examining as for an original incorporation and charter fee upon the proposed increase of capital stock and if such certificate is filed in a probate office, the probate judge shall within ten (10) days after the filing of the certificate cause to be filed in the office of the secretary of state a statement of like nature as that provided for in Section 11 of this title. When all of the capital stock of said corporation is held by organizations operating under the lodge system or by the members thereof and the by-laws of such corporation forbid the issuing of stock to any persons or organizations other than those mentioned above and the sole business engaged in by such corporation is the erection and maintenance of a building as a meeting place of such organizations, such corporation shall be exempt from the payment of the fees provided in this section and a statement to this effect in the certificate filed in the probate office or the office of the secretary of state shall be authority to the probate judge or secretary of state to permit the filing of such certificate without the payment of such fees.

Section 8. Section 40, Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§40. (7006) Preferred stock, how and when authorized.—Stock

of a class preferred in any respect over stock of any other class may be created or authorized by provision in the original certificate of incorporation as filed or may be created or authorized at any time or from time to time after the filing of such original certificate with the consent of the owners of two-thirds of the total value of the capital stock of the corporation at the time outstanding and such consent may be expressed in an amendment of the original certificate of incorporation filed as required by law in the office of the judge of probate, or in a joint agreement of merger or consolidation or amendment thereof duly adopted and filed in the office of the secretary of state as provided by law, or at a meeting of the stockholders called for the purpose and if at such meeting the persons owning two-thirds in value of the capital stock vote in favor of creating or authorizing the issue of stock so preferred, the proceedings of the meeting shall be reduced to writing and certified by the president or other chief executive officer or a vice president and the treasurer or secretary or an assistant treasurer or an assistant secretary of the corporation under the corporate seal, and filed and recorded in the office of the probate judge of the county in which is located the principal place of business of the corporation as designated in its certificate of incorporation or any amendment thereof or joint agreement of merger or consolidation and in the office of the secretary of state.

If provision shall be made in the certificate of incorporation or any amendment thereof or joint agreement of merger or consolidation or amendment thereof duly adopted as provided by law, the board of directors of a corporation may reclassify, to the extent so provided, the unissued shares of preferred stock of the corporation authorized or created prior to or at the time of the adoption of such provision by increasing or decreasing any one or more of (a) the dividend rate of such preferred stock, (b) the dividend payment dates, (c) the redemption price thereof, and (d) the amount payable in the event of liquidation, voluntary and involuntary, and the board of directors may issue and sell such reclassified shares and any other authorized shares on such terms as may be authorized by such certificate of incorporation, amendment thereof or joint agreement of merger or consolidation or amendment thereof. Any such reclassification shall be effected by written resolution duly adopted at a meeting of the board of directors duly called and held and such resolution shall be reduced to writing and shall state (1) total number of shares reclassified, (2) the dividend rate of the reclassified shares, (3) the dividend payment dates, (4) the redemption price, if any, of the reclassified shares, and (5) the amount payable, if any, in the event of liquidation, voluntary and involuntary. After the adoption of such resolution, a certificate under the seal of the corporation setting forth the resolution and certifying that such resolution has been duly adopted in accordance with the

provisions of this section shall be signed by the president or a vice-president and the secretary or an assistant secretary, the treasurer or an assistant treasurer of the corporation. Such certificate shall be filed in the office of the judge of probate of the county in which the corporation was organized; or if the corporation shall have been created by an act of the legislature prior to the adoption of the Constitution of 1901 or resulted from joint agreement of merger or consolidation, such certificate shall be filed in the office of the secretary of state. Upon the filing of such certificate, the shares so reclassified shall be deemed validly authorized shares of the corporation.

Section 9. Section 95 of Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§95. (7038) (3503) Consolidations or merger of corporations, how effected.—The directors of the several corporations proposing to merge or consolidate may enter into joint agreement under the corporate seals of the respective corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name and principal place of business in this state of the new corporation (if one shall be formed or created) or of the consolidated corporation, as the case may be; the number, names and post office addresses of the first directors and officers of the new consolidated corporation; the number of shares of the capital stock, both common and preferred, the par value of each share thereof, and the manner and terms of converting the capital stock of each of the merging or consolidating corporations into cash, stock or obligations of such new or consolidated corporation or into a combination of two or more thereof, and how and when the directors and officers of such new or consolidated corporation shall be chosen, together with all such other provisions or details as the directors of the several consolidating or merging corporations may deem necessary to perfect such merger or consolidation. The agreement shall then be submitted to the stockholders of each of the several consolidating corporations separately, at a meeting to be called by the directors for the purpose of considering the same; at such meeting the said agreement of the directors shall be considered and a vote of the stockholders of each corporation shall be taken separately for the adoption or rejection of the agreement, each share of stock entitling the holder to one vote. If the votes of the holders of two-thirds in value of the stock of each of the merging corporations, voting at said meeting in person or by proxy, be for the adoption of the agreement, the fact shall be certified by the secretaries of the respective corporations under the corporate seals and the agreement so adopted shall be filed and recorded in the office of the secretary of state, and a copy of said agreement of merger or consolidation duly certified by the secretary of state shall be evidence of the existence of such new or consolidated corporation.

Upon the filing of said agreement in the office of the secretary of state, the several corporations shall be one corporation by the name provided in said agreement. In case a corporation organized under the laws of this state, all of whose tangible assets are located without the State of Alabama, merges or consolidates with a corporation organized under the laws of any other state, or under the laws of the United States, or any possession thereof, such Alabama corporation shall cease to exist if all of its stockholders file a statement to that effect within six months after such consolidation in the office of the secretary of state. (1919, p. 1108)

Section 10. Section 104 of Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§ 104. (7063) (3510) How to dissolve a corporation.—Whenever in the judgement of the board of directors it should be deemed advisable and for the benefit of any corporation that it should be dissolved, a resolution to that effect shall be adopted by a majority of the whole board at a meeting called for that purpose. Notice of the adoption of the resolution and of a date set for a meeting of the stockholders to take action thereon shall be mailed to each stockholder of record and a like notice shall be inserted in a newspaper published in the county wherein the corporation has its principal office, or, if none be published there, in a newspaper published in a place nearest to such principal place of business in which a newspaper is published, once a week for four consecutive weeks immediately preceding the date appointed for the meeting. At said meeting or an adjournment thereof, if stockholders holding four-fifths in value of the capital stock shall by resolution consent in person or by proxy that the dissolution shall take place, a copy of such resolution shall be certified by the president or other chief executive officer, or a vice president and the treasurer or secretary or an assistant treasurer or an assistant secretary of the corporation, and filed and recorded in the office of the probate judge of the county in which the corporation was organized, or with the secretary of state if the corporation was created by an act of the legislature prior to the adoption of the Constitution of 1901 or resulted from a joint agreement of merger or consolidation. Upon the filing and recording of such certificate the corporation shall be dissolved and the board of directors shall proceed to settle up and adjust its business and affairs.

Whenever the holders of all the capital stock of any corporation shall desire to dissolve the corporation, they may do so by an agreement to that end signed by all the stockholders, whose signatures shall be attested by two witnesses, and the agreement shall be certified by the president or other managing officer of the corporation that the names signed to such agreement constitute all the stockholders of the corporation. Such agreement shall be

filed and recorded and the corporation dissolved as above provided (1915, p. 52).

Section 11. Section 105 of Title 10 of the Code of Alabama of 1940 is amended to read as follows:

§ 105. (7064) (3511) Proceedings when a minority of stockholders object to dissolution.—Whenever the stockholders holding two-thirds in value of the capital stock of a corporation wish to dissolve the corporation, and cannot obtain either the unanimous consent of the stockholders or the consent of stockholders holding four-fifths in value of the capital stock, so that a dissolution may be had as provided in the preceding section, they may file a petition in the circuit court of the county where the principal place of business of the corporation is located, or in any court of such place having the jurisdiction of chancery matters, setting forth the names of all the stockholders and their residences, the amount of stock owned by each, and, as nearly as practicable, all the property, real and personal, owned by the corporation, and that it is the wish of the petitioners to dissolve the corporation. Upon the filing of such petition, the register or clerk of such court shall issue subpoenas to all the resident stockholders not joining in the petition, and if any stockholders not joining in the petition reside out of the state, they shall be made parties by publication in the manner non-resident defendants in chancery matters are made parties, and all such stockholders have thirty days after the perfecting of such service by subpoena or publication to file their answers to such petition. If at a regular term of such court, the cause being at issue, it be made to appear to the court upon proof taken as in chancery cases, that the holders of two-thirds in value of the capital stock still desire dissolution, the court shall dissolve the corporation by decree, and the judge of the court, or in his absence, the clerk or register, shall appoint a receiver of all the books, property, and assets of the corporation, who shall be the person nominated for such purpose by a majority of the stockholders, if they can agree within ten days after the decree of dissolution. Such receiver shall give bond in an amount to be prescribed by the judge or register or clerk of such court, with proper sureties and payable to the register or clerk for the faithful performance of his duties, and shall, under the direction of the court, collect all debts due the corporation, and sell all the property, real and personal, of the corporation, pay the debts thereof ratably or in full as the funds realized may admit, and divide the residue after the debts and costs are paid, among the several classes of stockholders, according to the amount owned by each, and according to the preferences, if any, of the several classes as provided in the certificates of incorporation. Claims against the corporation may be contested and determined as in other chancery cases.

Section 12. Section 36 of Title 10 of the Code of Alabama of 1940 is hereby repealed.

Section 13. If any provision of this act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the act and the application of such provision to persons or circumstances other than to those as to which it is held invalid shall not be affected thereby.

Approved July 26, 1951.

Time: 4:11 P. M.

Act No. 290

S. 152—Andrews

AN ACT

To Amend Section 406, Title 37, Code of 1940 relating to certain officers in cities of less than six thousand inhabitants.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 406, Title 37, Code of 1940, be and the same is hereby amended to read as follows: "Section 406. In cities having a population of less than six thousand and in towns, the Council shall elect a clerk, and may elect a recorder, and fix the salary and term of office, and may determine by ordinance the other officers of the city or town, their salary, the manner of their election and the term of office, and shall fill all vacancies in the council by a majority vote of the council."

Section 2. This law shall become effective upon its approval.

Approved July 26, 1951.

Time: 4:12 P. M.

Act No. 291

S. 288—Robison

AN ACT

To relieve the executor or other personal representative of a decedent of the duty to recover from anyone for the benefit of the estate the pro rata portion of the estate tax attributable to inclusion in the gross estate of any property, including proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor or other personal representative, which does not pass to the executor or other personal representative as a part of the estate, unless the decedent directs otherwise in his will.

Be It Enacted by the Legislature of Alabama:

Section 1. Unless the decedent directs otherwise in his will, all estate taxes, whether state or Federal, payable by reason of the death of the decedent, shall be paid by the executor or other personal representative out of the estate property, and shall be a charge against the residue thereof, and the executor or other personal representative shall be under no duty to recover from anyone for the benefit of the estate the pro rata portion of the estate tax attributable to inclusion in the gross estate of any property,

including proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor or other personal representative, which does not pass to the executor or other personal representative as a part of the estate.

Section 2. This Act shall apply to the estates of all decedents who shall die on or after the effective date hereof.

Section 3. This Act shall become effective upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming law.

Approved July 26, 1951.

Time: 4:13 P. M.

Act No. 292

H. 297—Tennille, Wilkins, Engelhardt, Grouby, Eslick, Reynolds (Madison), Adams (Jefferson), Sellers, Hall

AN ACT

To amend Section 131 of Title 47 of the Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940, of the 1939 general session of the Legislature of Alabama and as further amended by Act No. 574 approved July 10, 1943 of the 1943 general session of the Legislature of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 131 of Title 47 of Code of Alabama of 1940 as amended by Act No. 642 approved July 11, 1940 of the 1939 session of the Legislature of Alabama as further amended by Act No. 574 approved July 10, 1943 of the 1943 general session of the Legislature of Alabama, be amended so as to read as follows:

Section 131. (6898) (3394) (1017) **CONDITIONAL SALES, LEASES, ETC., TO BE RECORDED.** All other contracts for the conditional sale of personal property, by the terms of which the Vendor retains the title until payment of the purchase money and the purchaser obtains possession of the property, and all contracts for the lease, rent or hire of personal property, by the terms of which the property is delivered to another on condition that it shall belong to him whenever the amount paid shall be a certain sum, or the value of the property, the title to remain in the other party until such sum or value shall have been paid, or, as to such conditions void against purchasers for a valuable consideration, mortgagees, land lords with liens and judgment creditors without notice thereof, unless such contracts are in writing and recorded in the office of the Judge of Probate of the county in which the party so obtaining possession of the property resides, and also the county in which such property is delivered; and if any such property is brought into this state while subject to such condition, the contract of sale, lease, hire or rent, must within three months thereafter be recorded in the county into which the

property is brought and remains; but where such contracts are for less than FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS in amount and also run for two years or less, and relate exclusively to household or kitchen furniture, goods, appliances or equipment they need not be filed for record as provided in this Section, and provided further that in counties having a population of more than 80,000 inhabitants according to the last federal census, or any subsequent federal census, no contract covered by this Section for less than FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS in amount need be filed for record as provided herein.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 26, 1951.

Time: 4:14 P. M.

Act No. 293

H. 35—Givhan, Engelhardt, Garrett, Hall,
Sellers, Dawkins, Molette

AN ACT

To impose extra, new and additional duties upon the Commissioner of Agriculture and Industries of Alabama; to provide additional compensation for the performance of the extra, new and additional duties hereby imposed upon the Commissioner of Agriculture and Industries and to provide for the appropriation and payment of such additional compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. That, in addition to the duties now imposed upon him by law, the Commissioner of Agriculture and Industries of Alabama shall perform the following extra, new and additional duties: (a) He shall advise the Department of Corrections and Institutions of the State of Alabama and furnish expert and technical assistance to such Department in the management and cultivation of its farm lands; advise the Department of Corrections and Institutions of Alabama and furnish expert and technical assistance to such Department in connection with the harvesting, processing, packing, distribution and sale of farm products, livestock or poultry grown or raised on farm lands owned by such Department; advise the Department of Corrections and Institutions and furnish expert and technical assistance to such Department on matters pertaining to the sale, renting or leasing of farm lands used by such Department in working convicts; approve the standards, grades, qualities and other specifications in all requisitions of the Department of Corrections and Institutions for the purchase of all seed, commercial feed and commercial fertilizers, or fertilizer materials, used by such Department on its farm lands and no requisitions for the purchase of these commodities shall be valid nor shall the Comptroller draw war-

rants upon the State Treasury for payment of any purchase of such commodities unless so approved by the Commissioner of Agriculture and Industries. The Commissioner of Agriculture and Industries shall also sample, test and analyze all seed, commercial feed, commercial fertilizers, or fertilizer materials after purchase and before they are used on farm lands by the Department of Corrections and Institutions. (b) He shall, when requested to do so, advise all eleemosynary institutions of the State of Alabama and furnish expert and technical assistance to such institutions in connection with the management and cultivation of all farm lands owned by such institutions; advise all eleemosynary institutions of the State of Alabama and furnish expert and technical assistance to such institutions on matters pertaining to the sale, renting or leasing of farm lands owned by such institutions. (c) He shall advise the State Highway Department of Alabama and furnish expert and technical assistance to such Department for the planting, sodding, cultivation and permanent maintenance of grasses, clovers, kudzu plants, flowers, shrubs and other plants or growths used to prevent soil erosion and to promote beautification of highway rights-of-way in the State of Alabama; advise and recommend to the Highway Department the types of seed, plants and shrubbery to be planted for the growth of clovers, grasses and other plants or growths along the rights-of-way of State highways; sample, test and analyze seed for purity, germination and moisture content, when such seed are to be planted on the rights-of-way of State highways; inspect plants, shrubbery and nursery stock which are to be planted on the rights-of-way of State highways; sample and analyze all commercial fertilizers purchased by the Highway Department to be used for the cultivation of rights-of-ways of State highways. The Commissioner of Agriculture and Industries shall also approve all grades, standards, qualities and specifications in contracts to be awarded by the State Highway Department for the planting of grasses, clovers, shrubs, flowers and other plants or growths on the rights-of-ways of State highways and such contracts shall not be valid nor shall any warrants be drawn by the Comptroller upon the State Treasury for payments of any amounts that may be due under such contracts unless so approved by the Commissioner of Agriculture and Industries.

Section 2. That the extra, new and additional duties hereby imposed upon the Commissioner of Agriculture and Industries shall be performed by the Commissioner of Agriculture and Industries personally and by the employees of the Department of Agriculture and Industries under his supervision, direction and control.

Section 3. That, for the performance of the extra, new and additional duties hereby imposed upon the Commissioner of Agriculture and Industries of Alabama, he shall be paid additional compensation in the amount of Three Thousand Six Hundred

Dollars (\$3,600.00) per year, such additional compensation to be paid out of the Agricultural Fund of the State Treasury. The compensation herein provided for payment to the Commissioner of Agriculture and Industries of Alabama is in addition to his salary as now provided by law.

Section. 4. That there is hereby appropriated from any funds in the Agricultural Fund of the State Treasury not otherwise appropriated, such sum or sums as may be necessary to pay the additional compensation to the Commissioner of Agriculture and Industries for the performance of the extra, new and additional duties hereinabove imposed upon such officer which shall be paid semi-monthly as the salaries of other State officers are paid.

Section 5. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved July 26, 1951.

Time: 5:01 P. M.

Act No. 294

H. 183—Sellers, Davis, Givhan, Leonard, Weathers, Butler, Kendall, Taylor, Garrett, Springer, Bush, Bamberg, Haynes, Tennille, Thomas

AN ACT

To propose an Amendment to the Constitution of the State of Alabama, amending Section 138 of Article 5, of the Constitution of Alabama as amended by Amendment XXXV; to order an election for the qualified electors of the State of Alabama upon such proposed amendment to be held at the general election next succeeding the session of the Legislature at which this amendment is proposed, and, to provide for notice to be given by the Governor for the holding of said election.

Be It Enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of Alabama for their consideration as hereinafter set forth viz, that Section 138 of Article 5 of the Constitution of Alabama as amended by Amendment XXXV, be amended so as to read as follows: Section 138 of Article 5. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of six years, unless sooner removed, and he shall be eligible to such office as his own successor; provided, that the terms of all sheriffs expiring in the year 1955 are hereby extended until the first Monday after the second Tuesday of January nineteen Hundred Fifty Seven. Whenever any prisoner is taken from jail, or from the custody of any Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 174 of this Constitution. If the sheriff be impeached, and thereupon

convicted, he shall not be eligible to hold any office in this State during the term for which he had been elected or appointed to serve as sheriff.

Section 2. That it shall be the duty of the Governor to give notice by Proclamation to be published in one newspaper in each county of the State for at least four (4) consecutive weeks next preceding the general election held next succeeding the session of the Legislature at which the amendment is proposed, of the election on the Amendment proposed by this act, to be submitted to the qualified electors of the State for their consideration, together with the proposed Amendment.

Section 3. There shall be held an election at the general election held next succeeding the session of the Legislature at which the following Amendment is proposed, by the qualified electors of the State upon the proposed amendment. Upon the ballots used at said election there shall be printed the following: Amendment to the Constitution by amending Section 138 of Article 5, as amended by Amendment XXXV, so as to read as follows: Section 138 of Article 5. A sheriff shall be elected in each county by the qualified electors thereof, who shall hold office for a term of six years, unless sooner removed and he shall be eligible to such office as his own successor; provided that the terms of all sheriffs expiring in the year nineteen hundred and fifty five are hereby extended until the first Monday after the Second Tuesday of January, Nineteen Hundred and Fifty Seven. Whenever any prisoner is taken from jail, or from the custody of any Sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under section 174 of this Constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this State during the term for which he had been elected or appointed to serve as sheriff. Following the proposed amendment on a ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No". The choice of elector shall be indicated by the cross mark made by him opposite the word expressing his desire.

Section 4. The officers of such election shall be appointed and such election shall be held in all things in accordance with the laws governing general elections, and the officers appointed to hold the general election next succeeding the session of the Legislature at which this amendment is proposed, if otherwise qualified, may be appointed to hold this election, and if so appointed, they shall receive no compensation for holding this election other than that paid them for holding the said general election.

Section 5. In the election upon such proposed amendment, the votes cast thereat shall be canvassed, tabulated and the returns thereof made to the Secretary of State, and counted in the same

manner as in elections for representatives to the Legislature, and if it shall thereupon appear that a majority of the qualified electors who voted upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by proclamation of the Governor.

Section 6. Provided that at such election the Circuit Judge or Judges of each Circuit in each county or counties comprising their Circuits, the County Coroner and the Circuit Court Clerk in each county or counties or a majority of them shall appoint at least one qualified elector and not more than two qualified electors to preserve order at each polling place, each such qualified elector to be vested with the power and authority of a Deputy Sheriff, such appointment to take the place and be in lieu of Deputy Sheriffs provided by law for other elections.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Constitutional Amendment.

Passed the House June 12, 1951.

Passed the Senate July 26, 1951.

Act No. 295

S. 97—High

AN ACT

To amend Section 6 of Act No. 694 of the Legislature of Alabama of 1947 entitled "An Act To provide for the arrest and eradication of contagious and infectious diseases among animals; to authorize quarantine measures and the seizure and disposition of infected or exposed animals, and all infected real and personal property; to provide for the payment of indemnity to owners of seized animals or property; to authorize rules and regulations having the full force and effect of law; to provide for a penalty for violation hereof; and to provide an appropriation herefor", approved October 9, 1947; to provide a method of appointing the State Veterinarian; to provide for certain qualifications of the State Veterinarian; to provide for the payment of the salary of the State Veterinarian and to repeal all laws or parts of laws in conflict with this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 6 of Act No. 694 of the Legislature of Alabama 1947, entitled "An Act To provide for the arrest and eradication of contagious and infectious diseases among animals; to authorize quarantine measures and the seizure and disposition of infected or exposed animals, and all infected real and personal property; to provide for the payment of indemnity to owners of seized animals or property; to authorize rules and regulations having the full force and effect of law; to provide for a penalty for violation hereof; and to provide an appropriation herefor", approved October 9, 1947, be and the same is hereby

amended to read as follows: "Section 6. The State Veterinarian of Alabama shall be appointed by the Commissioner of Agriculture and Industries, the Governor of Alabama, and the President of the Alabama Veterinary Medical Association, or a majority of them, from the list of qualified applicants who have passed the official examination and who have been certified to the aforesaid appointing authorities by the State Personnel Department. The State Veterinarian appointed under the provisions of this Act shall be subject to the provisions of the Merit System, and his salary shall be fixed by the State Personnel Board, upon recommendation of the Commissioner of Agriculture and Industries with approval of the State Board of Agriculture and Industries, which salary shall be paid out of the appropriation provided by law for payment of salaries and expenses of the employees of the Department of Agriculture and Industries. It is further provided that the State Veterinarian appointed hereunder shall be a graduate of a college of veterinary medicine, which institution has been approved and accredited by the American Veterinary Medical Association and by the Federal Bureau of Animal Industry. The State Veterinarian appointed hereunder shall also be a licensed veterinarian and a member in good standing of the Alabama Veterinary Medical Association, and he shall exercise all the powers vested in the Commissioner of Agriculture and Industries in the administration and enforcement of the provisions of the State Livestock Sanitary laws and rules and regulations promulgated thereunder.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed insofar as they are in conflict with the provisions hereof.

Section 3. This Act shall become effective on October 1, 1951.

Approved July 27, 1951.

Time: 9:37 A. M.

Act No. 296

H. 341—Miller

AN ACT

To amend Sections 719, 727 and 728 of Title 51 of the Code of Alabama (1940), which relate to the tobacco tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 719 of Title 51 of the Code of Alabama (1940) is amended to read:

"The license taxes imposed by this subdivision, shall be paid by affixing stamps in the manner and at the time herein set forth. In the case of cigars, stogies, cheroots, chewing tobacco and like products, the stamps shall be affixed to the box or container in which or from which normally sold at retail. In the

case of cigarettes, smoking tobacco and snuff, the stamps shall be affixed to each individual package. Time allowed for affixing stamps shall be as follows: Every wholesale or retail dealer in this state shall immediately after receipt of any unstamped cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco or snuff, unless sooner offered for sale, cause the same to have the requisite denominations and amount of stamp or stamps to represent the tax affixed as stated herein, and to cause same to be cancelled by writing or stamping across the face of each stamp the registered number of such wholesaler or retailer, said number to be furnished by the department of revenue. The stamping of said cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco and snuff, shall actually begin within one hour after receipt of said cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco and snuff in the premises of the wholesale or retail dealer, and said stamping shall be continued with reasonable diligence by the wholesale or retail dealer until all of the unstamped cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco and snuff have been stamped and the stamps cancelled as provided by law. Provided, further, that any wholesale dealer engaged in interstate business who shall furnish surety bond in an amount and of tenor and solvency satisfactory to the department of revenue shall be permitted to set aside such a part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this subdivision. Said interstate stock shall be kept in an entirely separate part of the building, separate and apart from stamped stock. Every wholesale dealer shall at the time of shipping or delivering any tobacco products as enumerated herein make a true duplicate invoice of the same which shall show full and complete details of the sale or delivery of the taxable article, and shall retain the same subject to the use and inspection of the department of revenue, or its duly authorized agents for a period of three years. Wholesale and retail dealers shall also keep a record of purchases of all tobacco products enumerated and defined in this subdivision, and hold all books, records, and memoranda pertaining to the purchase and sale of such tobacco products enumerated and defined in this subdivision, open to the inspection of the department of revenue or its duly authorized agents at any and all times. Every wholesale dealer shall furnish to the department of revenue a monthly report, between the first and twentieth of each month for the preceding month, of all orders for tobacco products enumerated and defined in this subdivision, purchased through said wholesale dealer from without this state on a drop shipment and consigned direct to the person, firm, corporation or association of persons ordering such tobacco products from without this state through such wholesale dealer. If, upon examination of invoices of any wholesale or retail dealer, he is unable to furnish evidence to the department of revenue of sufficient stamp purchases to cover

unstamped tobaccos as enumerated and defined in this subdivision, purchased by him, the prima facie presumption shall arise that such tobacco products were sold without the proper stamps affixed thereto. Any wholesaler or retailer who fails or refuses to comply with any or all the above provisions, shall be deemed a violator of this section and upon conviction shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, or imprisonment in the county jail for a period of six months, either or both, at the discretion of the court."

Section 2. Section 727 of Title 51 of the Code of Alabama (1940) is amended to read:

"Each and every wholesaler or jobber, qualifying as such with the department of revenue, shall be required to file a report between the first and twentieth of each month, covering the purchase or receipt by them of all tobacco products enumerated and defined herein, during the preceding month. Said report shall give in detail the different kinds and quantities of tobacco products so purchased or received by them during the preceding month. Any wholesaler or jobber failing or refusing to file the above report in the manner and time allowed, shall be deemed a violator of this section and upon conviction shall be fined not less than one hundred dollars, nor more than five hundred dollars for each offense."

Section 3. Section 728 of Title 51 of the Code of Alabama (1940) is amended to read:

"The department of revenue is hereby authorized and directed to have prepared and distributed stamps suitable for denoting the tax on all articles enumerated herein. Any person, firm, corporation, or association of persons, other than the department of revenue, who sells tobacco tax stamps, not affixed to tobacco sold and delivered by them, whether the said stamps be genuine or counterfeit, shall be guilty of a felony and punishable as set out in section 734 of this title. When wholesalers or jobbers have qualified as such with the department of revenue as provided in section 730 of this title, and desire to purchase stamps as prescribed herein for use on taxable tobaccos sold and delivered by them, the department of revenue shall allow on such sales of tobacco tax stamps, the following discounts: On a sale of one hundred dollars or over and less than two hundred dollars, a discount of three percent on the entire amount of the sale; on a sale of two hundred dollars or more, a discount of ten percent on the entire amount of the sale: Provided, that where wholesalers or jobbers are entitled to purchase stamps at a discount of ten percent, as herein provided, instead of the department of revenue selling said stamps to such jobbers or wholesalers for cash, it may consign such stamps, if and when such wholesaler or jobber shall give to the department of revenue a good and sufficient bond executed by some surety company authorized to do business in

this state, conditioned to secure the payment for the stamps so consigned when and as they are used on manufactured tobacco products by such wholesaler or jobber. Every wholesaler or jobber purchasing stamps on consignment as described herein, shall be required to make a full and complete accounting and remittance on or before the twentieth of each month for all stamps used on taxable tobaccos during the preceding month. Every wholesaler or jobber refusing or failing to comply with this section shall forfeit the commission or discount on stamps used which he failed or refused to account or remit for in the time allowed, and in addition shall be charged interest on such delinquent amount for each day delinquent at the rate of eight percent per annum."

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1951.

Time: 9:40 A. M.

Act No. 297

H. 331—Hankins

AN ACT

To allow the Sheriff of Lamar County, Alabama an additional deputy Sheriff to that now provided by law; to fix the salary of said deputy and to make the same payable out of the General Fund of Lamar County in monthly installments.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Lamar County, Alabama is hereby allowed an additional deputy to the deputy or deputies now provided by law, which said deputy shall receive a salary of not less than Fifteen Hundred Dollars per annum, nor more than Twenty-One Hundred dollars per annum, to be fixed by the Court of County Commissioners or Board of Revenue or other like governing body of said county, and payable in twelve equal monthly installments out of the general fund of said county; that said deputy shall be appointed by the Sheriff of Lamar County, Alabama and shall be eligible to perform the duties of deputy Sheriff anywhere in said county.

Section 2. That on the first day of each month a statement of the name and amount due said deputy Sheriff shall be furnished to the Court of County Commissioners or other governing body of said county, by the Sheriff and it shall thereupon be the duty of said court to order a warrant drawn upon the General Funds of said County payable to said deputy for the amount of one months salary as hereinabove provided.

Section 3. That all laws in conflict with this Act are hereby

expressly repealed and this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 27, 1951.

Time: 9:41 A. M.

Act No. 298

H. 529—Hankins

AN ACT

To alter, rearrange and extend the corporate limits of the Town of Vernon, Lamar County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the Town of Vernon, Lamar County, Alabama, be changed and extended to include the following territory:

The South half of section nine, the West half of the Southwest quarter of section ten, the West half of the Northwest quarter and the West half of the Southwest quarter of section fifteen, all of section sixteen, the North half of the Northeast quarter and the North half of the Northwest quarter of section twenty one and the Northwest quarter of the Northwest quarter of section twenty two, all in township fifteen south of range 15 west of Huntsville meridian, in Lamar County, Alabama.

Section 2. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its approval by the Governor.

Approved July 27, 1951.

Time: 9:30 A. M.

Act No. 299

H. 574—Pfleger, Gallalee, Wilkins

AN ACT

To fix the supplemental salaries of Circuit Judges in circuits having only one county and not less than three nor more than five Judges to be paid out of the County Treasury of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all circuits having only one county and not less than three nor more than five Circuit Judges there shall be paid out of the County Treasury to each Judge the sum of Three Thousand Dollars (\$3,000.00) per annum in twelve equal installments as supplemental salary to that paid by the State.

Section 2. That all laws and parts of laws in conflict herewith be and the same hereby are repealed.

Approved July 27, 1951.

Time: 9:31 A. M.

Act No. 300

H. 588—Hankins

AN ACT

To impose extra, new, and additional duties upon the members of the county governing body of Lamar County and to provide additional compensation for the performance thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That, in addition to all other duties now imposed upon them by law, the following extra, new, and additional duties are hereby imposed upon the members of the governing body of Lamar County:

(a) The county governing body shall hold regular meetings during the second and fourth weeks in each month of the year on a day to be determined, from time to time, by the county governing body, and at such other times as are now provided by law.

(b) Each member of the county governing body shall superintend the construction and maintenance of all public roads and bridges in his district, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed as to condition of the public roads and bridges in his district.

(c) Each member of the county governing body shall perform such duties in connection with the construction and maintenance of public roads and bridges in his county as may be assigned to him, from time to time, by the governing body, and shall make such reports of his activities to the county governing body, from time to time, as are necessary to keep the county governing body informed in regard to same, provided however, that each member shall be furnished, at the expense of the county, a pickup truck to be used by them in the performance of their duties.

Section 2. For the performance of all other duties now imposed by law upon the members of the governing body of Lamar County and for the performance of these new, extra, and additional duties imposed upon them by this Act, the members of the county governing body shall receive, in lieu of all other compensation, the amount of two hundred and fifty dollars (\$250) monthly, to be paid out of any monies belonging to the Road and Bridge Fund of said county or of the gasoline or motor fuels tax appropriated to the county or out of the General Fund of said county.

Section 3. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part that remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1951.

Time: 9:32 A. M.

Act No. 301

H. 595—Brown, Ward

AN ACT

Relating to Lee County: To authorize the Circuit Clerk of Lee County, Alabama, to employ and prescribe the duties of clerical assistants with the approval of the county governing body, and to provide that the compensation of such assistants shall be fixed and paid by the governing body of Lee County.

Be It Enacted by the Legislature of Alabama:

Section 1. With the approval of the governing body of Lee County, Alabama, the circuit clerk shall be authorized to employ and prescribe the duties of secretarial or clerical assistants in his office, whose compensation shall be fixed by the governing body of said county at not more than two thousand four hundred dollars (\$2400.00) per annum altogether. The compensation of the clerk's assistants shall be paid out of the general funds of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1951.

Time: 9:33 A. M.

Act No. 302

H. J. R. 73—Meeks, Martin

HOUSE JOINT RESOLUTION

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the tragic death of Addie Morgan White, wife of the Honorable John G. White, a former member of this body, is deeply mourned, and the sincere sympathy of the members of this body is extended to John White and the members of his bereaved family for their great loss.

Approved July 27, 1951.

Time: 9:34 A. M.

Act No. 303

S. 58—Reneau

AN ACT

To amend Section 763 of Title 51, Code of Alabama (1940), which relates to the sales tax.

Be It Enacted by the Legislature of Alabama:

Section 763, Title 51, Code of Alabama (1940) is amended to read as follows: "As soon as practicable after the return is filed the department shall examine it and ascertain the proper amount of the tax due as shown by the return. If the amount paid is greater than the amount due, as shown by the return, the excess shall be refunded to the taxpayer, or credited on any deficiency previously due by the taxpayer, in accordance with law and under such rules and regulations as the department may adopt and promulgate. If the amount paid is less than the amount due, as shown by the return, the department shall immediately notify the taxpayer of such deficiency and shall add thereto a penalty of ten percent of the amount due, and if such deficiency be not paid within thirty days from the date of such notice, the same shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the date the same was due which shall be collected as a part of the tax; Provided, the department, if a good and sufficient reason is shown, may waive or remit the penalty of ten percent or a portion thereof "

Approved July 27, 1951.

Time: 9:38 A. M.

Act No. 304

S. 59—Reneau

AN ACT

To amend Section 766 of Title 51 of the Code of Alabama (1940) relating to the incorrect payment of sales taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 766 of Title 51 of the Code of Alabama (1940) is amended to read:

"Section 766. GENERAL RULES GOVERNING INCORRECT PAYMENTS.—Whenever the department, in examining and auditing the records of any taxpayer, or from other information, shall ascertain that the amount, or amounts, previously paid by any taxpayer for any period, or periods, is incorrect, the department shall compute the correct amount of tax due, and if it appears that the amount paid by the taxpayer is in excess of the correct amount due, such excess shall be refunded to the taxpayer in accordance with law and under the rules and regulations of the department. If it appears that the amount paid by such taxpayer is less than the amount due, the department shall compute the amount of such deficiency and shall notify the taxpayer,

and shall demand payment therefor. If the amount demanded is not paid within ten days from the date of such demand, or if the taxpayer does not request an extension of time within ten days from the date of such demand, the department shall make an assessment against the taxpayer of the amount due and shall add a penalty of one-half of one percent per month from the date such taxes or any part thereof became due. Provided, that the department may, if a good and sufficient reason is shown, waive or remit the penalty or a portion thereof. If within ten days from the date of notice of a deficiency the taxpayer requests in writing an extension of time, the department shall grant an extension of thirty days. If at the end of such extended period, the deficiency has not been paid, the department shall proceed with the assessment. Provided that if the department be of the opinion that there was a wilful or fraudulent intent by the taxpayer to evade the tax due, it may assess a penalty of twenty-five percent of the tax. Provided that upon appeal such action shall be reviewable."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1951.

Time: 9:39 A. M.

Act No. 305

S. 67—Thagard, Reneau, and Foster

AN ACT

To amend Section 771, Title 51, Code of Alabama (1940), which relates to suits brought for the recovery of sales taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 771, Title 51, Code of Alabama (1940), is amended to read as follows:

"Section 771. The tax herein levied shall constitute a debt due the State of Alabama and may be collected by civil suit, in addition to the methods herein provided, brought at any time within three years after the tax has become due and payable."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but the provisions hereof shall not apply to or affect any case in which an assessment has been made prior to the effective date of this Act.

Approved July 27, 1951.

Time: 9:40 A. M.

AN ACT

To amend Section 255 of Title 22, Code of Alabama (1940), relating to Narcotic Drugs and Poisons.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 255 of Title 22 of the Code of Alabama (1940) be amended to read as follows:

"Section 255. PENALTIES. Any person violating any provision of this chapter, except as otherwise herein provided, shall be guilty of a misdemeanor, and upon conviction for the first offense shall be fined not less than fifty dollars nor more than two hundred dollars and may be sentenced to hard labor for the county for not more than six months, and upon conviction for the second offense shall be fined not less than one hundred dollars or more than five hundred dollars and may be sentenced to hard labor for the county for not more than six months, and upon conviction for a subsequent offense shall be fined not less than five hundred dollars and shall be sentenced to hard labor for the county for not more than six months.

"Any person who possesses, sells, furnishes, or gives away any cocaine, alpha or beta eucaine, opium, morphine, heroin, or isonipecaine contrary to the provisions of this chapter, or obtains or attempts to obtain a narcotic drug by fraud, deceit, misrepresentation or subterfuge, or by the forgery or alteration of a prescription or written order, or by the concealment of a material fact, or by the use of a false name or the giving of a false address, is guilty of a felony, and upon conviction for the first offense shall be imprisoned for not less than two nor more than five years. For a second offense, or if the offender shall have been previously convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marijuana, the offender shall be imprisoned for not less than five nor more than ten years. For a third or subsequent offense, or if the offender shall have been previously convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to narcotic drugs or marijuana, the offender shall be imprisoned for not less than ten nor more than twenty years. Except in the case of conviction for a first offense for violating the provisions of this chapter, the imposition or execution of sentence shall not be suspended, and probation shall not be granted.

"Any person convicted of selling, furnishing, or giving any cocaine, alpha or beta eucaine, opium, morphine, heroin, or isonipecaine to a person under the age of eighteen years shall be given the maximum sentence for the offense as provided in this section."

Section 2. That all laws or parts of laws which are inconsistent with the provisions of this Act are hereby repealed.

Section 3. That this Act shall be effective and in force from and after its passage and approval by the Governor.

Approved July 27, 1951.

Time: 9:35 A. M.

Act No. 307

S. 271—Wright

AN ACT

To amend Section 258, Title 22, Code of Alabama (1940), relating to Marijuana.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 258 of Title 22 of the Code of Alabama (1940) is amended to read as follows:

"Section 258. PENALTIES. Any person who violates any provision of this chapter shall be guilty of a felony, and upon conviction for the first offense shall be imprisoned for not less than two nor more than five years. For a second offense, or if, in case of a first conviction of violation of any provision of this chapter, the offender shall have been previously convicted of any violation of the laws of the United States or of any other state, territory or district relating to narcotic drugs or marijuana, the offender shall be imprisoned for not less than five nor more than ten years. For the third or subsequent offense, or if the offender shall have been previously convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to narcotic drugs or marijuana, the offender shall be imprisoned for not less than ten nor more than twenty years.

"Except in case of conviction for a first offense for violation of the provisions of this chapter, the imposition or execution of sentence shall not be suspended, and probation shall not be granted. Any person who is convicted of selling, delivering, offering to sell, bartering, or giving any marijuana, cannabis americana, or cannabis indica, or any cigar or cigarette made of or containing any marijuana, to a person under the age of eighteen years shall be given the maximum sentence for the offense as prescribed in this section."

Section 2. That all laws or parts of laws which are inconsistent with the provisions of this Act are hereby repealed.

Section. 3. That this Act shall be effective and in force from and after its passage and approval by the Governor.

Approved July 27, 1951.

Time: 9:36 A. M.

Act No. 308

H. 366—Faulk, White (Covington), Kendall,
Summerlin, Solomon, M a l o n e
(Houston), Bassett, Belcher, Gar-
rett

AN ACT

To prevent the spread of hog cholera disease among swine and to provide for the control and eradication of such disease by prohibiting the possession, sale, keeping for sale, exchange or otherwise distributing of hog cholera virus in Alabama; to provide that premises on which hog cholera disease is found to exist shall be quarantined; also providing that the several counties of Alabama are authorized to make appropriations to carry out the provisions of this Act; and to provide a penalty for violations of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITION OF TERMS.—For the purpose of this Act the following words and phrases shall have the meaning indicated: (a) "Hog Cholera Virus" means an unattenuated virus administered to swine for the purpose of immunizing such swine from the disease known as hog cholera. (b) "State Veterinarian", means the State Veterinarian of Alabama.

Section 2. It shall be unlawful for any person, firm, corporation or association in the State of Alabama to have in possession or keep, sell or offer for sale, barter, exchange, give away or otherwise dispose of hog cholera virus.

Section 3. All lots, stalls and pastures and other premises where swine are kept and the disease of hog cholera is diagnosed or exists among such swine are hereby declared to be quarantined for a period of, at least, thirty (30) days. No hogs may be removed for any purpose from such premises for a period of, at least, thirty (30) days following the date of the appearance of the last case of hog cholera. All hogs shall be burned immediately which have died from hog cholera, or moved to rendering plants in vehicles equipped with watertight bodies, and no other disposition of such hogs shall be made. It shall be unlawful for anyone to move swine from quarantined premises in violation of the provisions of this Section, and it shall also be unlawful to move hogs, which have died from hog cholera, in any manner other than the manner prescribed by this Section.

Section 4. County Boards of Revenue, County Boards of Commissioners or other like County governing bodies of the several counties of the State of Alabama when such bodies desire to conduct a hog cholera eradication program are hereby authorized to appropriate and expend county funds in such sums as they deem necessary for enforcing the provisions of this Act and rules and regulations promulgated thereunder. Such counties may employ inspectors and other necessary employees to enforce the provisions of this Act. Inspectors so employed by any county of the State of Alabama shall be approved by the State Veterinarian

and shall work under the direction and supervision of the State Veterinarian.

Section 5. The Commissioner of Agriculture and Industries is charged with the execution and enforcement of the provisions of this Act and he is authorized and empowered, with the approval of the State Board of Agriculture and Industries, to promulgate rules and regulations necessary to accomplish the evident intent and purposes of this Act.

Section 6. Any person who violates any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00).

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved July 27, 1951.
Time: 9:38 A. M.

Act No. 309

H. 704—Langdon

AN ACT

To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Pickens County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Pickens County and the location of new industries or businesses therein to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed:

“Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Pickens County, or any one or more of them, shall have full and continuing power and authority when authorized by a majority

vote of the qualified electors of any such municipality at an election called for that purpose, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Pickens County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are

paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Pickens County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Pickens County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives herein above set forth."

Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the 1951 Regular Session of the Legislature. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this Act, and after which there shall be printed the word "Yes" and immediately under that word there shall be printed the word "No." Space shall be provided on each ballot for the elector to indicate his choice by a crossmark opposite the word expressing his choice.

Section 3. Notice of the election on the proposed amendment

shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each courthouse therein.

Section 4. All laws or parts of laws in conflict with the provisions of this act are hereby expressly repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Constitutional Amendment.

Passed the House July 17, 1951.

Passed the Senate July 27, 1951.

Act No. 310

H. 223—Mathews

AN ACT

Relating to schools: amending Section 100, Title 52, Code of Alabama (1940), which prescribes the qualifications and method of selecting school trustees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 100, Title 52, Code of Alabama (1940) is amended to read: "The county board of education shall appoint for every school in the county, from a list of six discreet, competent, and reliable persons of mature years nominated by the patrons of the said school, which list shall be kept on file by the board, three persons residing near the schoolhouse, and having the respect and confidence of the community, to serve for a term of four years as trustees of the school, to care for the property, to look after the general interest of the school, and to make to the county board of education, through the county superintendent of education, from time to time, report of the progress and needs of the school, and of the will of the people in regard to the school. The board of education shall fill all vacancies occurring in the office of trustee for the unexpired term from the list of nominees on file until the names on such list are exhausted. The term 'patrons' as used herein shall be construed to mean the parents and guardians of children in attendance at the school."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved July 27, 1951.

Time: 1:35 P. M.

AN ACT

TO regulate the office of Sheriff in counties of more than 96,000 population and less than 140,000 population, according to the last Federal census or any subsequent Federal census; to fix the compensation of the Sheriff of said counties and to provide for help and assistants and other expense necessary to the conduct of the office of sheriff; to provide for necessary quarters, books, stationery and other necessities necessary to the operation of said office; to provide that the Sheriff shall pay into the county treasury all costs, charges of the courts, fees and commissions authorized by law to be collected by the Sheriff; to provide that the Board of Revenue, or court of like jurisdiction, shall audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act; to exempt the Sheriff of such counties from court costs; to exempt the Sheriff from liability for acts of the deputies except in certain cases; to require deputy sheriffs to execute official bonds conditioned, payable and approved as the bonds of Sheriffs, and to provide for the bond for the Sheriff and to provide for the payment of Sheriff's and deputies' bonds out of the county treasury; authorizing the Sheriff to appoint an attorney to advise or represent him, and to fix the compensation of said attorney to be paid out of the general fund of the county by the Board of Revenue or like governing body; and providing when and where this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff in all counties under this Act shall be paid an annual salary of \$4000.00 net in lieu of all other compensation, fees, and emoluments, except as otherwise provided in this Act; the Sheriff shall be allowed the following assistants: 1 Chief Deputy; 16 Deputies; 3 Wardens; and the compensation of the Chief Deputy, Deputies, and Wardens in counties under this Act having a merit system shall be fixed by the Merit Board, according to the scale of wages as fixed by the Merit Board in said county; and in counties under this Act having no merit system, the compensation of the Chief Deputy, Deputies, and Wardens shall be fixed by the Board of Revenue or other governing body of the county. In addition to the compensation for the Sheriff as hereinabove fixed in counties under this Act having a Juvenile Court and Court of Common Pleas, or courts of like jurisdiction, the Sheriff shall be allowed the further sum of \$416.66 per month for his ex-officio services and for his attendance upon the sessions of the Juvenile Court and Court of Common Pleas, or courts of like jurisdiction in the county. The Sheriff shall be further allowed necessary expenses not to exceed \$150.00 per month for expenses in apprehending criminals or other law violators and returning prisoners from other states, to be approved by the Board of Revenue or other governing body of the county. All payments provided for in this Section shall be paid monthly out of the general fund of the county, and the selection and appointment of Chief Deputies, Deputies, and Wardens shall be made by the Sheriff from the Merit Board roster. In counties under this Act having no merit system, the

appointment of Chief Deputies, Deputies, and Wardens shall be made by the Sheriff of said county.

Section 2. That the Board of Revenue, or court of like jurisdiction in such counties under this Act, are authorized, empowered and required to provide the Sheriff with necessary quarters, books, stationery and other necessities and conveniences necessary to the operation of said office, and are hereby authorized, empowered and required to pay for the same out of the general funds of said county treasury.

Section 3. That the Sheriffs of said counties shall pay into the county treasury of said counties, all costs, charges of the courts, fees and commissions now or that may be hereafter authorized by law to be collected by said Sheriff. The Board of Revenue, or court of like jurisdiction of said counties shall have the power and authority and it shall be their duty to audit the accounts of said Sheriff for the purpose of requiring a strict compliance with the provisions of this Act.

Section 4. The Sheriff in such counties under this Act shall not be taxed with or liable for cost, fees or charges of courts when such Sheriff in his official capacity, or for acts done under color of his office, is made a party defendant to any action at law or at chancery; provided, however, that such Sheriff shall be liable for the witness fees of witnesses summoned in his behalf when such Sheriff is cast in the suit.

Section 5. Be it further enacted that in all counties under this Act the Sheriff shall enter into bond in the penal sum of \$10,000 which bond shall be recorded, held and governed in all respects by all laws of this State relating to official bonds insofar as said laws are applicable, and all Deputy Sheriffs and Wardens shall enter into bond into the penal sum of \$2,000 payable, conditioned and approved as is the bond of the Sheriff, and such bond shall be recorded, held and governed in all respects by the laws of this State relating to official bonds insofar as said laws are applicable.

Section 6. Be it further enacted that the Sheriff of such county shall not be liable for the acts of his Deputies unless he participates in such acts or the same are done in compliance with his orders or with his knowledge and consent; provided, however, that the Sheriff and the sureties on his bond shall be liable for the misappropriation of money collected by any Deputy Sheriff under color of his office or in the course of his employments.

Section 7. Be it further enacted that in the event the bond of the Sheriff or any Deputy in such county shall be executed by a guaranty, surety or bonding company, as surety, the amount of the annual premium to be paid to such company in consideration of such suretyship shall be paid by such county out of the county treasury as other obligations of such county are paid.

Section 8. That the Sheriff of such county is authorized to employ an attorney to advise or represent him in his official capacity, and the compensation of said attorney shall be fixed at the sum of \$1,500.00 per annum and shall be paid in monthly installments by the county out of the general fund of said county.

Section 9. That all laws, or parts of laws, in conflict herewith are hereby repealed.

Section 10. This Act shall become effective upon its passage and approval by the Governor.

Approved July 31, 1951.

Time: 2:10 P. M.

Act No. 312

S. 427—Boutwell

AN ACT

To make appropriation of Two Hundred Thousand Dollars (\$200,000.00), or so much thereof as may be necessary out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated, out of any funds in the State Treasury not otherwise appropriated, the sum of Two Hundred Thousand Dollars (\$200,000.00), or so much thereof as may be necessary, to defray the expenses of the present session of the Legislature.

Section 2. This Act shall become effective immediately upon its passage and approval of the Governor or its otherwise becoming a law.

Approved July 31, 1951.

Time: 2:12 P. M.

Act No. 313

H. J. R. 78—Adams (Jefferson), Givhan

HOUSE JOINT RESOLUTION

WHEREAS, Thomas W. Martin, a native son of Alabama, has for many years given of his time and talents for the benefit of the people of Alabama and the South; and

WHEREAS, Thomas W. Martin has been instrumental in getting many important industries to establish plants in the State of Alabama which are of great benefit to the State and the people of the State, and

WHEREAS, Thomas W. Martin has been greatly instrumental in organizing and establishing and developing the Southern Re-

search Institute at Birmingham, which Institute has been of great service to the manufacturing industry in Alabama and the Southeast; and

WHEREAS, the legislature of Alabama desires to express its appreciation, and the appreciation of the people of Alabama for the distinguished achievements of Thomas W. Martin;

NOW THEREFORE, BE IT RESOLVED, that the House of Representatives, the Senate concurring, takes this opportunity to express its thanks and appreciation to Mr. Martin for his constant, untiring and unselfish work in the fields of industry, education, research and history, for the benefit of the people of Alabama and the South.

BE IT FURTHER RESOLVED, that it is the hope and wish of this body, and of the people of Alabama, that Thomas W. Martin may be spared for many years to come to continue and will be able to continue the great and beneficial works in which he is engaged.

A copy of this Resolution when passed by the Legislature, is to be sent by the Secretary of State, to Thomas W. Martin.

Approved July 31, 1951.

Time: 2:15 P. M.

Act No. 314

H. 772—Garrett, Mathews, Tumlin, Tennille, Hankins, Miller, Coburn, Pruitt, Roberts, Scruggs, Lee, Harvey, Plott, White (Cullman), Black, Langdon, Sellers, Hall, Bassett, Taylor, Wesley, McNider, Pfleger, Faulk, Harrison (Shelby), Russell, Grouby, Davis, Malone (Houston), Engelhardt, Cole, Brassell, Solomon, Butler, McClendon, Reynolds (Chambers), Beatty, Meeks, Brown

AN ACT

Relating to the distribution of the motor vehicle and trailer license tax; amending Section 713, Title 51, Code of Alabama (1940), as amended by Act No. 471, S. 305, Acts of Alabama, 1949, p. 688.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 713, Title 51, Code of Alabama (1940), as amended by Act No. 471, S. 305, Acts of Alabama, 1949, page 688, is amended further to read as follows:

“Section 713. DISTRIBUTION OF MOTOR VEHICLE AND TRAILER LICENSE TAX FUNDS.—The money collected as motor vehicle and trailer license taxes, less such amount of money

as shall be appropriated for each fiscal year by the Legislature to the Department of Revenue with which to pay the salaries, costs of operation, and the management of said Department, shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to Article 8, Title 51, Code of Alabama 1940, shall be distributed as follows: Thirty-seven percent to the state and sixty-three percent to the incorporated city or town in which the owner of the motor vehicle resides. All amounts of motor vehicle and trailer license taxes received by a city or town hereunder in excess of twenty percent of such motor vehicle and trailer license taxes shall be used exclusively for the construction, improvement and maintenance of highways or streets and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues may have been pledged, and for no other purposes. If the owner of a motor vehicle does not reside in an incorporated city or town, then thirty-seven percent shall go to the state and sixty-three percent to the county in which the owner of the motor vehicle resides. The money collected as motor vehicle license taxes by the state, less appropriations for salaries and expenses, shall be used exclusively to create a sinking fund for the prompt and faithful payments of the principal and interest on good road bonds and for construction, maintenance and as required under provisions of Article XX of the Constitution of Alabama."

Section 2. This Act shall become effective October 1, 1952.

Approved August 1, 1951.

Time: 10:31 A. M.

Act No. 315

H. 773—Romine, Miller, Denton, Adams (Jefferson), Coburn, Roberts, Tumlin, Scruggs, Lee, Meeks, Harvey, Pruitt, Hankins, Plott, Harrison (Shelby), Russell, White (Cullman), Black, Langdon, Sellers, Hall, Tennille, Bassett, Taylor, Wesley, Mathews, Garrett, McNider, Pfleger, Faulk, Grouby, Davis, Malone (Houston), Engelhardt, Cole, Brassell, Solomon, Butler, Reynolds (Chambers), McClendon, Beatty, Brown

AN ACT

To further provide for the general revenue of the State of Alabama and to fix the license and registration fee on certain motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Any other provision of law to the contrary notwithstanding, the license and registration fee on automobiles (the

term "automobiles" shall include, but shall not be limited to, Jeeps, station wagons, and other motor vehicles of similar construction) designed and used primarily for private passenger purposes and motorcycles shall be three dollars.

Section 2. That the statutes providing for the purchase of a motor vehicle license on a monthly declining or half-year basis shall not apply to any automobile licensed and registered under the provisions of this Act.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 4. That this Act shall become effective on October 1, 1952.

Approved August 1, 1951.

Time: 10:30 A. M.

Act No. 316

S. J. R. 43—Thagard

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring, that Senate Bill No. 109 be known as the Thagard-Merrill bill.

Approved August 1, 1951.

Time: 5:00 P. M.

Act No. 317

S. J. R. 44—Thagard

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring, that Senate Bill No. 128 be known as the Thagard-Merrill bill.

Approved August 1, 1951.

Time: 5:01 P. M.

Act No. 318

S. J. R. 45—Clayton

SENATE JOINT RESOLUTION

Resolved by the Senate, the House of Representatives concurring, that S. B. 74 be designated as the Clayton and Wallace bill.

Approved August 1, 1951.

Time: 5:02 P. M.

Act No. 319

S. J. R. 47—Whatley

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives Concurring, that Senate Bills 58, 59 and 67, which have passed both Houses, each be designated and be known as "Reneau, Thagard, Miller and Bush" bill.

Approved August 1, 1951.
Time: 5:03 P. M.

Act No. 320

S. 287—Johnson (Chambers)

AN ACT

Relating to public health; to make it a misdemeanor for any person, firm, or corporation to take, carry, transport, or remove a dead human body from within the confines of this State unless the same has been embalmed or cremated.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person, firm, or corporation to take, carry, transport, or remove from within the confines of this State any dead human body unless said body has been embalmed or cremated. Any person, firm, or corporation who violates this Act shall be guilty of a misdemeanor and shall be, upon conviction, punished as prescribed by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This act shall become effective on July 1, 1953.

Approved August 1, 1951.
Time: 5:04 P. M.

Act No. 321

H. 46—Oden, Fite (Walker)

AN ACT

To provide for the reporting and recording of the names and addresses of persons receiving public assistance in each county and of the amounts received by them and the names, addresses and salaries of all employees of the county board of public welfare and the county department of public welfare; to make it unlawful to use such information for any purpose not directly connected with the administration of public assistance; and prescribing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. a) The county board of public welfare of each county shall on or before the thirtieth day of each January, April, July and October file or cause to be filed with the probate judge a complete report showing the names and addresses of all recipi-

ents of public assistance in the county receiving payments under the provisions of Title 49 of the Code of Alabama, 1940, together with the amounts paid to each during the preceding month. The report shall also show the names and addresses of and salaries paid to all employees of the county board of public welfare and the county department of public welfare.

b) The reports so filed with the probate judge shall be securely bound by him in a separate record book provided for that purpose, which book and all reports contained therein shall be public records and shall be open to public inspection at all times during the regular office hours of the probate judge. It is provided, however, that nothing contained herein shall be construed to authorize or require the disclosure of any records of the county department of public welfare pertaining to adoptions or pertaining to children heretofore or hereafter placed in foster homes for adoption or for other purposes.

Section 2. Except as provided in this Act, it shall be unlawful for any person, firm or corporation to solicit, disclose, receive, make use of or to authorize, knowingly, permit, participate in or acquiesce in the use of, any lists or names for commercial or political purposes of any nature, for publication in any newspaper, magazine, other periodical, or otherwise, or for any purpose not directly connected with the administration of public assistance.

Section 3. Any person, firm or corporation that shall wilfully or knowingly violate any provision of this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$25.00 nor more than \$1,000.00 and may also be imprisoned in the county jail for not more than sixty days.

Section 4. All laws or parts of laws in conflict with this Act are repealed.

Section 5. This Act shall become effective October 1, 1951, but should any portion, section, or clause be declared or adjudicated to be contrary to or inconsistent with the provisions of the Social Security Act, that portion, section, or clause of this Act shall have no further force or effect.

Approved August 1, 1951.

Time: 5:06.

Act No. 322

S. 398—Wright

AN ACT

To abolish the office of Deputy Circuit Solicitor and County Solicitor for Talladega County, Alabama, and to require the Circuit Solicitor of any Judicial Circuit embracing only Talladega County to represent the State

of Alabama and Talladega County in all ways required of the County Solicitor by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of County Solicitor for Talladega County is hereby abolished.

Section 2. The office of Deputy Circuit Solicitor for Talladega County is hereby abolished and, notwithstanding the provisions of Section 256 of Title 13 of the 1940 Code, the Circuit Solicitor of any Judicial Circuit which now or hereafter includes only Talladega County, shall not appoint nor be authorized to appoint a deputy for Talladega County.

Section 3. That as an additional duty to all duties now or hereafter required by law of the Circuit Solicitor or any Judicial Circuit which now or hereafter includes only Talladega County, it shall be the duty of such Solicitor from the date this Act becomes effective to represent the State of Alabama and Talladega County in all cases, actions and proceedings in which the State of Alabama and Talladega County would have been represented by the County Solicitor of Talladega County, Alabama.

Section 4. Should any section, paragraph or portion of this Act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 5. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 6. This Act shall take effect on the first day of the term of the first Circuit Judge elected or appointed as the Judge of any Judicial Circuit now or hereafter created embracing only Talladega County, Alabama.

Approved August 1, 1951.

Time: 5:08 P. M.

Act No. 323

H. J. R. 79—Solomon, Summerlin,
Kendall, Givhan

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House, the Senate Concurring; that

WHEREAS, THE American cotton farmer has made every effort to reach the cotton acreage goals requested by the Secretary of Agriculture to meet our defense needs and alleviate in part the world cotton shortage, and

WHEREAS, this effort has been made in the face of unprecedented high costs for labor, equipment, insecticides, seed and fertilizer, and

WHEREAS, prices for cotton have declined some Fifty Dollars (\$50.00) per bale and appear likely to go lower and such declines are likely to reduce acreage in 1952 when further large production will be needed.

BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING:

That the Secretary of Agriculture, Hon. Charles Brannan, be memorialized to hold public hearings concerning cotton support prices under the provisions of Public Law 439—81st Congress, Chapter 792—1st Session H. R. 5345, which provides that after such hearings a commodity may be supported at full parity in order to increase or maintain production of that commodity in the interest of National Security.

BE IT FURTHER RESOLVED THAT copies of this Resolution be sent to Secretary Brannan, every member of the Alabama Congressional Delegation, The President of the Alabama State Farm Bureau and the President of the National Farm Bureau.

Approved August 1, 1951.

Time: 5:09 P. M.

Act No. 324

S. 328—High, Byars, Fant, Norrell, Todd,
Faulkner, Larkins, Smith and Foster

AN ACT

To amend Section 443 of Title 52 of the Code of Alabama (1940), which relates to the corporate powers of the Alabama School of Trades.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 443 of Title 52 of the Code of Alabama (1940) is amended to read: "The Alabama school of trades as a corporation shall have and exercise all the powers of a corporation established as a state educational institution for the education and training of white male and female persons in all the useful and industrial occupations and in the arts and sciences, and to enable the students of the institution to acquire education and training by employing a part or portion of their time, if necessary, while in school to pay all or part of their board, lodging and tuition."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:10 P. M.

Act No. 325

S. 434—Johnston (Mobile)

AN ACT

To confer jurisdiction upon the Inferior Civil Court of Mobile, Alabama, concurrent with all Justice of the Peace Courts in Mobile County, Alabama, in matters pertaining to forcible entry and detainer, and unlawful detainer, where the real property lies anywhere within the limits of Mobile County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Inferior Civil Court of Mobile County, Alabama, shall have jurisdiction, concurrent with Justice of the Peace Courts of Mobile County, Alabama, in matters pertaining to forcible entry and detainer, and unlawful detainer, where the real property lies anywhere within the limits of Mobile County, Alabama.

Section 2. The jurisdiction in such matters now existing in Justice of the Peace Courts in Mobile County, Alabama, shall not be hereby enlarged, extended, or diminished.

Section 3. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 4. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 1, 1951.

Time: 5:11 P. M.

Act No. 326

H. 300—Eslick, Reynolds (Madison)

AN ACT

To provide for the payment into the general fund of Madison County of all witness fees in the Inferior Court of Huntsville which are unclaimed for a period of ninety days.

Be It Enacted by the Legislature of Alabama:

Section 1. All monies now or hereafter collected and held by the Clerk of the Inferior Court of Huntsville as witness fees and which are unclaimed for a period of ninety days from the date of collection shall be paid into the general fund of Madison County by the Clerk.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are repealed.

Section 3. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 1, 1951.

Time: 5:12 P. M.

Act No. 327 H. 393—Dumas, Kaul, Adams (Jefferson), Huey

AN ACT

To Amend Section 86, Title 11 of the Code of Alabama, 1940:

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 86 of Title 11, Code of Alabama, 1940, be and the same is hereby amended to read as follows:

Section 86. (3759) Solicitors' fees; how taxed and collected.—For every conviction for a misdemeanor in the county courts or inferior courts there shall be taxed and collected as a part of the costs and paid into the county treasury the same solicitor's fees provided for conviction in such cases in the circuit court; provided that in the event of an appeal to the circuit court no solicitor's fees shall be taxed or collected for the services of a solicitor in the circuit court, provided, however, that in cases appealed from county courts or inferior courts in counties of 400,000 population or more according to the last or any subsequent federal census, only one solicitor's fee shall be assessed and collected in the Circuit Court on conviction for a misdemeanor, such fee to be based on the amount provided for in the Circuit Court under the general laws of the state.

Approved August 1, 1951.

Time: 5:13 P. M.

Act No. 328

H. 587—Smith

AN ACT

To allow the Sheriff of Coosa County, Alabama, an additional deputy; to fix the salary of said deputy, and to make the same payable out of the general funds of Coosa County, Alabama, in monthly installments, and to provide when this Act shall take effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Coosa County, Alabama, is hereby allowed an additional deputy to the deputy now provided by law, whose salary shall be fixed by the governing body of Coosa County, Alabama, and which salary shall not be less than \$1800.00 per year, nor more than \$2400.00 per year, and which shall be payable in twelve equal monthly installments out of the general funds of said County; that said deputy shall be eligible to per-

form the duties of deputy sheriff anywhere in said county, and said deputy shall be appointed by the Sheriff of said County to hold office at the pleasure of the Sheriff.

Section 2. That all laws or parts of laws in conflict with this Act are hereby expressly repealed.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:14 P. M.

Act No. 329

H. 594—Brown, Ward

AN ACT

For the relief of John H. Tyson of Auburn, Lee County, who was injured while acting within the line and scope of his employment by Alabama Polytechnic Institute; authorizing a payment to John H. Tyson from any funds appropriated to the use of Alabama Polytechnic Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Trustees of Alabama Polytechnic Institute, or the executive officer of the Board, is hereby authorized to pay to John H. Tyson of Auburn, Lee County, the sum of nine hundred twenty-six dollars and twenty-five cents (\$926.25) as compensation for personal injuries suffered by the said John H. Tyson while acting within the line and scope of his employment by the Institute, from any funds appropriated to Alabama Polytechnic Institute by the Legislature of Alabama, said payment to be in full satisfaction of the claim or claims of John H. Tyson for such injuries.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:15 P. M.

Act No. 330

H. 645—Dumas, Beatty, Huey, Morgan
(Jefferson), Adams (Jefferson)

AN ACT

To repeal Act No. 310, General Laws of Alabama, approved July 28, 1949, and to provide for the liquidation and distribution of each retirement fund therein provided for, and for the distribution of the moneys now held in each of the funds provided by said Act.

Be It Enacted by the Legislature of Alabama:

Section 1. That every retirement fund created and provided by Act No. 310, General Laws of Alabama, approved July 28, 1949, (1949 Acts pages 442-445) for the benefit of certain classes of employees of each county having a population of four hundred thousand or more, according to the 1940 census or any succeeding Federal census, shall be wound up and liquidated in the manner provided in this Act, in order that all such employees of such classes, present and future, may be provided old age and survivors insurance in accordance with the Federal Social Security Act, as amended.

Section 2. That said No. 310, of 1949, be and the same hereby is repealed.

Section 3. That all moneys in each of the retirement funds created pursuant to said Act 310 of 1949, shall be paid forthwith to the county treasurer or depository of the county in which said fund was established; and said treasurer or depository shall first set aside from said moneys, a sum sufficient to pay to all persons who, now are entitled, or may (prior to the date when employees of such county become subject to the Federal Social Security Act, as amended) become entitled, to receive benefit payments under the terms of said Act, a sum sufficient to cover all payments then or thereafter to become due to such persons; and from the moneys so set aside, said treasurer or depository shall pay the benefits due such employees as they become due. The treasurer or custodian shall pay all moneys in any such retirement fund over and above the sums required to be set aside for the purposes aforesaid, into the general fund of such county.

Section 4. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, but in no event earlier than July 16, 1951.

Approved August 1, 1951.

Time: 5:18 P. M.

Act No. 331

H. 671—White (Cullman)

AN ACT

To fix the compensation of the Tax Assessor of Cullman County for assessing and of the Tax Collector of Cullman County for collecting municipal ad valorem taxes in those municipalities in Cullman County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That in those municipalities in Cullman County which avail themselves of the "Optional Method of Collecting

Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama 1940, as amended, the compensation of the Tax Assessor for assessing municipal ad valorem taxes shall be one per cent of the amount of such taxes; and the compensation of the Tax Collector for collecting municipal ad valorem taxes shall be one per cent of the amount of such taxes.

Section 2. That the compensation herein provided for the Tax Assessor and Tax Collector of Cullman County shall be retained by the Tax Collector of Cullman County out of such municipal ad valorem taxes collected by him; and he shall pay to the Tax Assessor of Cullman County his portion of such compensation at such times as he makes payments to the municipality or municipalities of the municipal ad valorem taxes so collected.

Section 3. That the compensation herein provided for the Tax Assessor and Tax Collector of Cullman County for assessing and collecting municipal ad valorem taxes in those municipalities in Cullman County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 3, Sections 698-732, Code of Alabama, 1940, as amended shall be in lieu of the compensation for such purpose authorized by Title 37, Section 732, Code of Alabama, 1940, as amended, and shall be the entire compensation which they shall receive for the same.

Section 4. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 5. That this Act shall become effective on October 1, 1951.

Approved August 1, 1951.

Time: 5:19 P. M.

Act No. 332

H. 677—Kendall

AN ACT

To fix the compensation of the Tax Assessor of Conecuh County for assessing and of the Tax Collector of Conecuh County for collecting municipal ad valorem taxes in those municipalities in Conecuh County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That in those municipalities in Conecuh County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama 1940, as amended, the compensation of the Tax Assessor for assessing municipal ad valorem taxes shall be two per cent of the amount of such taxes; and the

compensation of the Tax Collector for collecting municipal ad valorem taxes shall be two per cent of the amount of such taxes.

Section 2. That the compensation herein provided for the Tax Assessor and Tax Collector of Conecuh County shall be retained by the Tax Collector of Conecuh County out of such municipal ad valorem taxes collected by him; and he shall pay to the Tax Assessor of Conecuh County his portion of such compensation at such times as he makes payments to the municipality or municipalities of the municipal ad valorem taxes so collected.

Section 3. That the compensation herein provided for the Tax Assessor and Tax Collector of Conecuh County for assessing and collecting municipal ad valorem taxes in those municipalities in Conecuh County which avail themselves of the "Optional Method of Collecting Municipal Taxes," set forth in Title 37, Chapter 15, Article 2, Sections 698-732, Code of Alabama, 1940, as amended shall be in lieu of the compensation for such purpose authorized by Title 37, Section 732, Code of Alabama 1940, as amended, and shall be the entire compensation which they shall receive for the same.

Section 4. That all laws and parts of laws in conflict herewith be and the same are hereby expressly repealed.

Section 5. That this Act shall become effective on October 1, 1951.

Approved August 1, 1951.

Time: 5:20 P. M.

Act No. 333

H. 691—Davis

AN ACT

To alter or rearrange the boundary lines of the Town of Pell City, St. Clair County, Alabama, so as to include within the Corporate Limits of said Town all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Pell City, St. Clair County, Alabama, be and the same are altered or rearranged so as to include within the Corporate Limits, of said Town all territory now within such Corporate Limits, and also certain other territory in St. Clair County, Alabama, described as follows: The Southeast Quarter of the Northeast Quarter and all that part of the Northeast Quarter of the Southeast Quarter, lying North of the Southern Railway Right-of Way, all in Section Two (2), Township Seventeen (17), Range Three (3) East, St. Clair County, Alabama.

Section 2. That the boundaries as set out in Section I, of this

Act, be and the same are hereby established as the Corporate Limits of the Town of Pell City, St. Clair County, Alabama, and all the territory included and embraced in said boundaries shall hereafter be and constitute the Town of Pell City, St. Clair County, Alabama.

Section 3. This Act shall go into effect immediately upon the passage and approval of the Governor.

Approved August 1, 1951.

Time: 5:21 P. M.

Act No. 334

H. 702—Adams (Dale)

AN ACT

Relating to Dale County; authorizing and directing the governing body of Dale County to pay the salaries of clerical assistance for the Clerk of the Circuit Court; repealing conflicting laws, including Act No. 332, H. 721, approved August 15, 1947 (Local Acts, 1947, p. 238).

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County is authorized and directed to pay out of the county treasury the salaries of additional clerks for the Clerk of the Circuit Court, to be appointed by the Clerk, who shall also fix their salaries at not more than one thousand two hundred dollars (\$1200) per annum.

Section 2. All laws or parts of laws in conflict herewith, including Act No. 332, H. 721, approved August 15, 1947 (Local Acts, 1947, p. 238), are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. All unexpended funds provided under said Act No. 332 shall revert to the general fund of Dale County on the effective date hereof, and shall be paid by the Clerk to the County.

Approved August 1, 1951.

Time: 5:22 P. M.

Act No. 335

H. 711—Dodd

AN ACT

Abolishing the fine and forfeiture fund of Winston County: providing for the payment of charges against the fine and forfeiture fund from the general fund; requiring re-registration of existing registered claims against the fine and forfeiture fund and barring existing claims that are not registered and existing registered claims that are not re-registered.

Be It Enacted by the Legislature of Alabama:

Section 1. The fine and forfeiture fund of Winston County is hereby abolished.

Section 2. It shall be the duty of the custodian of the fine and forfeiture fund of the county to transfer all money on hand in such fund on the effective date of this Act to the county general fund. Thereafter, all claims which would be payable from the fine and forfeiture fund except for this Act shall be paid from the general fund. Thereafter, all moneys which would be payable into the fine and forfeiture fund except for this Act shall be paid into the general fund.

Section 3. After the effective date of this Act, when any person subpoenaed as a witness before the grand jury of the county procures a certificate of his attendance signed by the foreman of the jury, the certificate shall be paid out of the general fund on its presentation by the lawful holder thereof.

Section 4. After the effective date of this Act, when any person appears as a witness for the State in a criminal case in the circuit or county court of Winston County, and procures a certificate of his attendance signed by the clerk of the court, the certificate shall be paid out of the general fund on its presentation by the lawful holder thereof. When any fees are collected for State witnesses in the circuit or county court, the fees shall be paid into the general fund.

Section 5. All other claims accruing after the effective date of this Act and accruing against the general fund by reason of Sections 1 and 2, above, shall be paid on presentation of the certificates therefor by the lawful holders.

Section 6. All unpaid claims registered against the fine and forfeiture fund on the effective date of this Act shall be barred and the payment thereof prohibited unless re-registered as claims against the general fund within ninety days thereafter. No claim against the fine and forfeiture fund which is unregistered on the effective date of this Act shall be registered against the general fund or paid. Such claims as are re-registered against the general fund in accord with this Section shall be paid, in the order of their prior registration against the fine and forfeiture fund, upon presentation of the certificates therefor by the lawful holders.

Section 7. All claims accruing after the effective date of this Act and accruing against the general fund by reason of Sections 1 and 2, above, shall be preferred claims against that fund.

Section 8. All laws and parts of laws in conflict with this Act are repealed.

Section 9. The provisions of this Act are declared to be severable. If any part is declared invalid in any application, such declaration shall not affect other parts or applications.

Section 10. This Act shall take effect immediately upon its

passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:23 P. M.

Act No. 336

H. 712—Dodd

AN ACT

Relating to Winston County: To prevent the disclosure of the identity of persons drawn or summoned for jury service at any session of court prior to the beginning of the session; and prescribing penalties for violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any official of Winston County to divulge to any person the name, address, occupation or identity of any person drawn or summoned for jury service at any session of court prior to the day on which the session commences. It is provided, however, that nothing contained herein shall be construed to prevent any county official from divulging such information to another county official who is charged by law with any responsibility in the drawing and summoning of jurors, when such information is necessary to the proper discharge of such responsibility or from summoning any person drawn for jury service in the manner provided by law.

Section 2. It shall be unlawful for any person to attempt to obtain the name, address, occupation or identity of any person drawn or summoned for jury service at any session of court in Winston County prior to the day on which the session commences.

Section 3. Any person who violates the provisions of this Act shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than five hundred dollars and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than sixty days.

Section 4. All laws or parts of laws in conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:24 P. M.

Act No. 337

H. 714—Black, Fite (Walker)

AN ACT

To place additional duties and responsibilities upon the members of the Board of Revenue of Walker County, Alabama, and to provide additional compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to the duties and responsibilities now imposed upon the members of the Board of Revenue of Walker County, Alabama, there is hereby imposed upon them the duties of making personal inspections once every two weeks of the County Jail and the Peoples Hospital of Jasper, Alabama, and the building and grounds heretofore known as the Alms House and now used as an old peoples home, and also to supervise and approve or disapprove, in advance of purchase, the purchase of all office furniture, stationery and supplies for the county officers and offices of Walker County which are required to be paid for out of the general funds of said County.

Section 2. For the additional duties and responsibilities imposed by this act the chairman of said Board of Revenue shall receive additional compensation in the sum of \$100.00 a calendar month and the other members of said Board shall receive additional compensation in the sum of \$125.00 a calendar month each. Such additional compensation shall be paid in the same way and manner as the salaries of said members are now being paid.

Section 3. This act shall take effect on the first day of the calendar month succeeding its passage and approval or its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:25 P. M.

Act No. 338

H. 723—Tennille, Dawkins, Hall, Sellers

AN ACT

To provide for a discount or deduction equal to two per centum (2%) of the amount of the tax levied by Act No. 54 adopted at the 1951 Regular Session of the Legislature of Alabama entitled "An Act to impose in Montgomery County, Alabama, an excise tax of one cent (1c) per gallon upon the selling, distributing, storing, or withdrawing from storage, for any use, of motor fuels as defined in the act, including (a) gasoline, diesel fuel oil, motor distillate, tractor fuel, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, and (b) naphthas, kerosene oil, fuel oil, crude oil, and liquefied petroleum gases when distributed, sold, stored or withdrawn from storage for use in internal combustion engines; to provide that the said tax shall be collected and paid over to said county by distributors, retail dealers or storers, as defined in the act, of such motor fuels; to provide that the said tax shall be a levy

upon the consumer, with the distributor, retail dealer and storer acting merely as agent of the county for its collection, provided, that when the storer of motor fuel is also the consumer thereof the tax shall be a levy upon said storer and consumer; to make it unlawful for any distributor, retail dealer, or storer to fail to add the tax to the sales price of any such motor fuels and collect from any purchaser thereof the amount due on account of said tax; to provide that the said tax shall be in addition to all other taxes including (without limitation) any privilege or license taxes levied by Sections 176 to 180, inclusive, as amended, and Sections 182 to 186, inclusive, of Title 51 of the Code of Alabama of 1940; to provide for certain exemptions from the tax; to require every distributor, retail dealer, or storer of such motor fuels to make monthly reports as to sales, distributions and withdrawals from storage of such motor fuels and to pay over monthly an amount of money equal to the tax; to require such distributors, storers and retail dealers to keep for not less than two years records of sales and distributions or withdrawals from storage of such motor fuels; to require such distributors, storers and retail dealers to report their addresses, and any changes therein, to the governing body of said county; to provide for reports by transportation companies of all shipments into Montgomery County of such motor fuels; to provide penalties for violations of this act; to provide for collection of the tax and to authorize the governing body of said county to make rules and regulations for such collection; to provide for the restraint of violators of this act from further distribution, sale, storage, or withdrawal from storage of motor fuels as defined herein; to provide for use of the proceeds from said tax, after deduction of the cost of collection, for certain public school purposes, including (without limitation) construction and equipment of school houses and payment of the principal of an interest on obligations issued for such construction and equipment, or either of them; to provide, in the event of any valid pledge, pursuant to general law, of any part of said tax proceeds, that the proceeds so pledged shall first be applied in satisfaction of such pledge, and, in the event of more than one such pledge, in satisfaction thereof in the order made; to provide for termination on the effective date of this act of the levy of the excise tax authorized under Act No. 271 adopted at the 1943 Regular Session of the Legislature; and to provide for the effective date of this act," and approved May 30, 1951, and to authorize each person, corporation, or other entity required by law to collect and pay over said tax to the governing body of Montgomery County to deduct an amount equal to said discount or deduction from the amount of said tax: provided, that such discount or deduction may be so deducted only with respect to payments of the tax that are made when due and with respect to which the required statement was filed when due.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "the tax" as used herein means the excise tax levied by Act No. 54 adopted by the 1951 Regular Session of the Legislature of Alabama entitled "An Act to impose in Montgomery County, Alabama, an excise tax of one cent (1c) per gallon upon the selling, distributing, storing, or withdrawing from storage, for any use, of motor fuels as defined in the act, including (a) gasoline, diesel fuel oil, motor distillate, tractor fuel, and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, and (b) naphthas, kerosene oil, fuel oil, crude oil, and liquefied petroleum gases when distributed, sold, stored or withdrawn from storage for use in internal combustion engines; to

provide that the said tax shall be collected and paid over to said county by distributors, retail dealers or storers, as defined in the act, of such motor fuels; to provide that the said tax shall be a levy upon the consumer, with the distributor, retail dealer and storer acting merely as agent of the county for its collection, provided, that when the storer of motor fuel is also the consumer thereof the tax shall be a levy upon said storer and consumer; to make it unlawful for any distributor, retail dealer, or storer to fail to add the tax to the sales price of any such motor fuels and collect from any purchaser thereof the amount due on account of said tax, to provide that the said tax shall be in addition to all other taxes including (without limitation) any privilege or license taxes levied by Sections 176 to 180, inclusive, as amended, and Sections 182 to 186, inclusive, of Title 51 of the Code of Alabama of 1940; to provide for certain exemptions from the tax; to require every distributor, retail dealer, or storer of such motor fuels to make monthly reports as to sales, distributions and withdrawals from storage of such motor fuels and to pay over monthly an amount of money equal to the tax; to require such distributors, storers, and retail dealers to keep for not less than two years records of sales and distributions or withdrawals from storage of such motor fuels; to require such distributors, storers and retail dealers to report their addresses, and any changes therein, to the governing body of said county; to provide for reports by transportation companies of all shipments into Montgomery County of such motor fuels; to provide penalties for violations of this act; to provide for collection of the tax and to authorize the governing body of said county to make rules and regulations for such collection; to provide for the restraint of violators of this act from further distribution, sale, storage or withdrawal from storage of motor fuel as defined herein; to provide for use of the proceeds from said tax, after deduction to the cost of collection, for certain public school purposes, including (without limitation) construction and equipment of school houses and payment of the principal of an interest on obligations issued for such construction and equipment, or either of them; to provide, in the event of any valid pledge, pursuant to general law, of any part of said tax proceeds, that the proceeds so pledged shall first be applied in satisfaction of such pledge, and, in the event of more than one such pledge, in satisfaction thereof in the order made; to provide for termination on the effective date of this act of the levy of the excise tax authorized under Act No. 271 adopted at the 1943 Regular Session of the Legislature; to provide for the effective date of this act," approved May 30, 1951. The term "governing body" as used herein means the governing body of Montgomery County, Alabama. The terms "taxpayer" and "taxpayers" as used herein mean any person, corporation, co-partnership, company, agency, or association required by law to collect the tax and pay it over to the governing body.

Section 2. For the purpose of providing some compensation to taxpayers for expenses incurred in making collections of the tax and in making reports and maintaining records with respect thereto and for losses by reason of payment of the tax with respect to subsequently uncollected credit sales, each taxpayer shall be allowed a discount or deduction equal to two per centum (2%) of the amount of the tax, and each taxpayer shall be entitled to deduct an amount equal to the said discount or deduction from the amount of the tax at the time it is paid over to the governing body; provided, however, that the said discount or deduction shall not be deductible with respect to any payment of the tax to the governing body unless the statement or report respecting such payment is rendered to the governing body and the moneys applicable to said payment are paid to the governing body on or before the date when such statement or report and such payment are required by law to be made.

Approved August 1, 1951.

Time: 5:26 P. M.

Act No. 339

H. 729—Leonard, Payne

AN ACT

Authorizing and directing the Governing Body of Talladega County, Alabama, to make an appropriation out of the general fund of Talladega County, Alabama, for the relief of Willie Fair and Leathia Fair to reimburse them for funeral expenses and damages suffered as a result of the death of Jim Fair, their father and husband, respectively, which death occurred during the line and scope of Jim Fair's employment by Talladega County, on to-wit, the 7th day of August, 1950.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Governing Body of Talladega County, Alabama, be and hereby is authorized and directed to pay to Willie Fair and Leathia Fair the sum of Five Hundred Dollars each, out of the moneys in the General Fund of Talladega County, Alabama, not otherwise appropriated, as compensation for funeral expenses incurred and damages suffered as a result of the death of Jim Fair, their father and husband, respectively, which death occurred during the line and scope of Jim Fair's employment by Talladega County, on to-wit, the 7th day of August, 1950.

Section 2. The above sums shall be paid by the said Governing Body of Talladega County, Alabama, within thirty days after the effective date of this Act.

Section 3. This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:27 P. M.

Act No. 340

H. 730—Payne, Leonard

AN ACT

To alter and rearrange and extend the corporate limits of the City of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Sylacauga, Talladega County, Alabama be changed and extended to include the following territory:

The Northwest one-quarter of the Northwest one-quarter of Section 5, Township 22 South, Range 4, East of the Huntsville Meridian, in Talladega County, Alabama.

Section 2. This Act shall take effect immediately upon its passage and approval of the Governor.

Approved August 1, 1951.

Time: 5:28 P. M.

Act No. 341

H. 741—Dawkins, Sellers, Tennille, Hall

AN ACT

Relating to counties having populations of not less than 96,000 nor more than 140,000 inhabitants: To provide for the payment of benefits to employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such county who are killed in the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Any employee of any county having a population of not less than 96,000 nor more than 140,000 inhabitants, according to the 1950 or any subsequent federal decennial census, who is totally disabled as a result of an injury received while in the performance of his official duties shall receive each month during the time such total disability shall continue a benefit payment equal to the amount of one-half of his base monthly compensation at the time of his injury. Provided, that should the personnel board, if any, of such county so order, such employee may be paid his regular compensation for a period not exceeding six months.

Section 2. (a) The widow of any employee of any such

county who is killed or dies as a result of injuries received in the performance of his official duties shall receive each month a benefit payment equal to one-half the amount of such employee's base monthly compensation at the time of his injury or death. Such payments shall terminate upon the remarriage of the widow. If the widow dies and there is a minor child or children of the deceased employee surviving, such child or children jointly shall receive such monthly benefits during the period of his or their minority.

(b) If there is no widow surviving, but there is a minor child or children surviving, such child or children jointly shall receive such monthly benefits during the period of his or their minority.

Section 3. The benefit payments provided for by this Act shall be paid from the general fund of the county upon the order of the governing body of the county.

Section 4. The governing body of the county shall order the payment of benefits under this Act upon the presentation of such proof as it may require of death or total disability. The governing body shall require and provide for periodic medical examinations of employees claiming or receiving benefits for total disability.

Section 5. Persons receiving benefits under this Act shall not be entitled to or receive any other benefits from the county or any agency thereof on account of disability or the death of any person.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act shall be retroactive to January 1, 1951.

Section 8. Should any clause, sentence, paragraph, or part of any section of this Act be invalid, such invalidity shall not affect, impair, or invalidate the remainder of this Act.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:29 P. M.

Act No. 342

H. 752—McCoy

AN ACT

Relating to Escambia County; authorizing the governing body of the County to pay the compensation of an additional deputy sheriff, to

be appointed by the Sheriff of Escambia County and to be stationed by him at Atmore.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Escambia County is hereby authorized to pay, in its discretion, from any funds in the county treasury not otherwise appropriated, the compensation of a deputy sheriff, to be appointed by the Sheriff, and to be by him stationed at Atmore; PROVIDED, the compensation of such deputy shall not be less than one thousand two hundred dollars (\$1,200) nor more than three thousand six hundred dollars (\$3,600) per annum. The deputy sheriff provided for in this Act shall be in addition to all deputies sheriff heretofore authorized by law and he shall perform his duties and exercise his authority in such manner as the Sheriff may direct.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:30 P. M.

Act No. 343

H. 757—Bamburg

AN ACT

To authorize the Court of County Commissioners of Bibb County, Alabama, to provide an additional deputy sheriff for Bibb County, Alabama, in addition to the deputies now provided by law, to be appointed by and to serve at the pleasure of the sheriff; to provide for the annual salary of such deputy to be determined by said Court of County Commissioners which said annual salary shall not be less than One Thousand and eight hundred dollars (\$1800) nor more than Two Thousand Four Hundred dollars (\$2400), per year, payable in equal monthly installments from the general fund of said county; and to provide that the said Court of county commissioners shall have power and authority to revoke the provisions and allowances for said deputy sheriff at any time.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Court of County Commissioners of Bibb County, Alabama, is hereby authorized to provide an additional deputy sheriff for said county, in addition to the deputies now provided by law, who shall be appointed by and shall serve at the pleasure of the Sheriff of Bibb County, Alabama.

Section 2. That the salary of such deputy sheriff shall be determined by the Court of County Commissioners of Bibb County, Alabama, in an amount not to be less than One Thousand and Eight Hundred Dollars (\$1800) nor more than Two Thousand Four Hundred Dollars (\$2400) per year, and shall be payable in equal monthly installments from the general fund of said county.

Section 3. That the Court of County Commissioners of Bibb County, Alabama, shall have full power and authority to revoke the provisions and allowances for said additional deputy sheriff at any time.

Section 4. That all laws or parts of laws, general, special, or local, in conflict herewith be and the same are hereby expressly repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:32 P. M.

Act No. 344

S. 10—High and McCary

AN ACT

To provide for the assessment of ad valorem taxes on real and personal property in counties having a population of not more than 400,000 inhabitants according to the last or any succeeding Federal Census; to provide for the claiming of statutory exemptions on such property; and to provide penalties for failure to comply with the provision of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only to counties having a population of not more than 400,000 inhabitants according to the last and any succeeding Federal Census.

Section 2. The Tax Assessor in each of the several counties to which this Act applies shall have the right and authority beginning October 1st, 1951, and annually thereafter to assess all real estate together with improvements thereon and all personal property used in and about the curtilage of a home to the party last assessing the same, or to the owner of record, except such real estate and personal property which is now or may hereafter be assessed by the Department of Revenue. The failure of the Tax Assessor to assess said property to the true owner shall not invalidate the assessment. The Tax Assessor shall have the right and authority to prescribe the proper bookkeeping method to carry out the provisions of this Act, subject to the approval of the Chief Examiner of Public Accounts. Provided that should the owner of any real estate make improvements on such property or should any improvements be removed or destroyed or partially removed or destroyed during any taxable year, it shall be the duty of such owner to make a tax return between October 1st and prior to January 1st covering all such changes made subsequent to October 1st of the preceding tax year. Improvements partially completed on October 1st shall

be reported to the Tax Assessor by the owner thereof and shall be assessed as incomplete for that tax year. Provided further that it shall be the duty of any person who purchased real estate prior to October 1st of any taxable year and who owns said real estate on that date to report such purchase to and assess that property with the Tax Assessor between October 1st and prior to January 1st following such purchase. No penalty shall be charged such tax payer for failure to report the purchase or sale of any real estate.

Section 3. The Tax Assessor shall have the right and authority beginning October 1st 1951, and annually thereafter to credit any person entitled to a statutory ad valorem exemption that the Tax Assessor has the authority and right to grant, and who has heretofore claimed such exemption, such statutory exemption, without such person claiming same annually. Any person who shall hereafter become entitled to such statutory exemption shall make a claim to the Tax Assessor between October 1st and prior to January 1st of any taxable year and if such claim is allowed shall not be required to annually thereafter repeat such claim. If on October 1st of any year any such exempted property shall have become subject to taxation it shall be the duty of the person or persons who are liable for the tax on such property to notify the tax assessor between October 1st and prior to January 1st of that tax year that the property is no longer subject to exemption, and the tax assessor shall list the property for taxation. If the tax assessor discovers, at any time, that property so exempted is no longer entitled to exemption, and such fact has not been reported to him as required above, he may list such property as an escape in accordance with the procedure pertaining to escaped taxes in Title 51, Code of Alabama, 1940.

Section 4. Should any person making improvements on a structure or building fail to report the same to the Tax Assessor as required above, a penalty may be added to the assessed value of such improvements; and such penalty shall be arrived at by taking ten percent of the difference between the current assessed value as finally determined and the prior year's assessed value of such structure or building. If a structure or building has not been assessed heretofore and has no prior year's value, and is unreported to the Tax Assessor by the owner thereof, then a penalty of ten percent of the current tax value as finally determined of such structure or building may be added.

Section 5. Insofar as they do not conflict with the provisions of this Act, the provisions of Title 51, Code of Alabama, 1940, and any other laws pertaining to the assessment of property for ad valorem taxes and the duties of Tax Assessor shall remain in effect. The provisions of Chapter 9, Title 51, Code of Alabama 1940, shall not be affected by this Act.

Section 6. Any person who fraudulently fails, neglects or

refuses to notify the Tax Assessor of any change in the condition of his property or of the relinquishment, abandonment, or loss of his homestead exemption or of any other exemptions as required herein shall be guilty of a misdemeanor.

Section 7. The tax assessor shall receive the same commissions for assessing property under this Act as are now or may hereafter be provided by law.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:31 P. M.

Act No. 345

S. 429—Richardson

AN ACT

Authorizing and directing the governing body of Lawrence County to make an appropriation for the relief of H. P. Warren.

Whereas H. P. Warren of Lawrence County suffered personal injuries and property damage on August 10, 1949, as a result of the negligent operation of a truck by an employee of Lawrence County who was then and there acting within the line and scope of his employment by the County; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Lawrence County is hereby authorized and directed to pay out of any funds in the county treasury not otherwise appropriated, to H. P. Warren, forthwith upon the passage and approval of this Act, the sum of two thousand and five hundred dollars (\$2,500) to compensate him for the personal injuries and property damage suffered by him as a result of the negligent operation of a truck by a county employee on August 10, 1949, said sum to be in full satisfaction of any claim which the said H. P. Warren has or had on account of said injuries and damages.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:33 P. M.

Act No. 346

S. J. R. 51—Robison

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House concurring that S. B.

411 which has passed both Houses be known as the Robison, Dawkins, Hall, Sellers & Tennille Bill.

Approved August 1, 1951.

Time: 5:34 P. M.

Act No. 347

H. J. R. 83—Harrison (Shelby)

HOUSE JOINT RESOLUTION

Be it resolved by the House the Senate concurring that House Bills No-381-382-599 and 600 be known as Pruitt-Pinson bills.

Approved August 1, 1951.

Time: 5:35 P. M.

Act No. 348

H. J. R. 74—Faulk

HOUSE JOINT RESOLUTION

BE IT RESOLVED by the House of Representatives, the Senate concurring, that House Bill No. 366, which has been passed by both the House of Representatives and the Senate be known as the Faulk, White (Covington), Kendall, Summerlin, Solomon, Malone, (Houston), Bassett, Belcher, Garrett, Stokes, Larkins, Jones, Thagard, Hollis, Farmer, Scruggs and Smith Bill.

Approved August 1, 1951.

Time: 5:05 P. M.

Act No. 349

H. 622—Adams (Jefferson), Morgan (Jefferson), Huey, Dumas, Beatty

AN ACT

To authorize the Clerks of all Courts not Courts of Record, in Counties having a population of 400,000 inhabitants or more, according to the last or any succeeding Federal Census, to destroy all papers filed in cases in such Courts after the expiration of six years from the date of the final judgment therein; but no authority is given herein to destroy the dockets, docket sheets or indices in such cases.

Be It Enacted by the Legislature of Alabama:

Section 1. **APPLICABILITY.**—This Act shall apply only in Counties having a population of 400,000 inhabitants or more, according to the last or any subsequent Federal Census.

Section 2. **DESTRUCTION OF RECORDS.**—The Clerk of all Courts not Courts of Record, in such Counties, is authorized to destroy all papers filed in cases in such Courts after the expiration of six years from the date of the final judgment therein; but no authority is given herein to destroy the dockets, docket sheets or indices in such cases.

Section 3. **EFFECTIVE DATE.**—This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 1, 1951.

Time: 5:07 P. M.

Act No. 350

H. 68—Eslick, Reynolds (Madison)

AN ACT

To authorize and provide for the payment of the sum of \$2,850.00 out of any funds in the State Treasury to the credit of the Highway Patrol Fund for the relief of Maurice S. Chambers, to reimburse him for hospital, doctor and medical bills, and for compensation for injuries received by him by reason of an accident occurring on the 14 day of August, 1948, while the said Maurice S. Chambers was employed by the State of Alabama as a member of the State Highway Patrol, and while he was acting in the line and scope of his employment as a patrolman.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds in the State Treasury to the credit of the Highway Patrol Fund the sum of \$2,850.00 to be paid to Maurice S. Chambers, for the relief of the said Maurice S. Chambers, to reimburse him for hospital, doctor and medical bills and for compensation for injuries received by him by reason of an accident occurring on the 14 day of August, 1948, while the said Maurice S. Chambers was employed by the State of Alabama as a member of the State Highway Patrol, and while he was acting in the line and scope of his employment as a patrolman.

Section 2. The State Comptroller is hereby authorized and directed to issue his warrant upon the State Treasury for the amount set out in Section 1 of this Act, and the State Treasury shall pay to the said Maurice S. Chambers such amount from any funds in the State Treasury to the credit of the Highway Patrol Fund.

Section 3. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 2, 1951.

Time: 12:30 P. M.

Act No. 351

H. 750—Grouby

AN ACT

TO AMEND Sections 8 and 11 of Act No. 445, Local Acts, 1947, page 303, establishing a Court of Common Pleas for Autauga County, Alabama, and to further provide for its officers, their powers and duties and compensations.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 8 of Act No. 445, Local Acts, 1947, page 303, be and the same is hereby amended to read as follows: Section 8. The Sheriff of Autauga County shall, in person or by deputy, be required to attend upon said Court, to preserve order and execute all writs or process issued therefrom and to perform such other duties in all respects as he is required by law to perform in the Circuit Court of Autauga County; and for such services of attending said Court the Sheriff shall receive the sum of Three Dollars per day payable out of the general fund; and for all services rendered by him, other than attendance upon the Court hereinabove provided for, he shall receive the same costs and fees as are allowed by law for similar services performed and done in the Circuit Court; and in addition thereto the Sheriff shall execute all writs of arrest; return to Court all counter-affidavits, bonds, or undertakings taken or approved by him; serve all summons, subpoenae or notices; execute all writs, processes or judgments; transport all prisoners to jail and shall guard each prisoner lawfully committed to jail, in the exercise of preliminary jurisdiction by the Court of all felony and bastardy cases, of original jurisdiction of juvenile, non-support, and possession wrongfully withheld cases, and proceedings to keep the peace, and upon either conviction, nolle prosequi, the case being transferred to the Grand Jury Docket of Autauga County, or being otherwise disposed of, the Sheriff shall receive the following fees to be paid from the fine and forfeiture fund of Autauga County, Alabama, or such other fund in lieu thereof, for such services rendered by him:

For executing warrant or writ of arrest in felony cases.....	\$4.00
For executing warrant or writ of arrest in bastardy, juvenile, and non-support cases and proceedings to keep the peace.....	2.00
For each bond or undertaking returned to court.....	1.00
For serving each summons, subpoena, or notice.....	.50
For guarding each prisoner lawfully committed to jail in all cases.....	2.00
Serving original writ or process and return.....	1.00
For receiving counter-affidavit and return.....	.50
For executing the writ or process or judgment by placing the plaintiff in possession.....	2.00
Mileage incurred in making arrest or transfer of prisoner per mile	.10

Section 2. That Section 11 of Act No. 445, Local Acts, 1947, page 303, be and the same is hereby amended to read as follows:

Section 11. The Clerk shall receive the same fees, commissions and costs as are now or hereafter allowed by law to the Clerks of the Circuit Courts of this State, also he shall receive, as ex-officio fees, for ex-officio duties performed as Clerk of the Court of Common Pleas of Autauga County, the same amount which he is paid in the Circuit Court of Autauga County. This fee shall be governed by Title 11, Paragraph 24, Code of 1940, as amended. Said sum shall be paid in Twelve monthly payments payable out of the general fund of Autauga County, Alabama. In addition to the duties, fees, commissions and costs provided by Section 10 of this Section, the Clerk shall docket each case when returned by the Sheriff; issue all writs, including writs of possession, scire facias, notices, subpoena, and executions; enter all continuances, recognizances, judgments, sentences, discharges of bail on surrender of the principal, orders of removal of trial, and the incidents of such removal, forfeitures against defendant or witness, and final judgment of same; approve appeal bonds and make transcripts of cases disposed of in this Court and attach thereto his certificate; and receive and file counter-affidavits, in the exercise of preliminary jurisdiction by the Court of all felony and bastardy cases, of original jurisdiction of juvenile, non-support, and possession wrongfully withheld cases, and proceedings to keep the peace, and upon either conviction, nolle prosequi, the case being transferred to the Grand Jury Docket of Autauga County, or otherwise disposed of, the Clerk shall receive the following fees to be paid from the fine and forfeiture fund of Autauga County, Alabama, or such other fund in lieu thereof, for such services rendered by him:

For Docketing each cause, to be charged but once	\$1.00
For issue of any writ, scire facias or notice	.50
Each subpoena issued	.25
Each continuance	.25
Entering recognizance	.50
For each trial	1.00
Entering judgment as to each defendant	.50
Entering sentence against each defendant	.25
Issue of each execution	.50
Each entry of the discharge of bail on surrender of the principal, to be paid by the bail	.50
Entering order or removal of trial, and the incidents of such removal	1.00
Making transcript and certificate, for each one hundred words	.15
Entry of forfeiture against defendant	.50

Final judgment of forfeiture against defendant.....	.50
Entry of forfeiture against witness.....	.25
Approving appeal bond.....	1.00
Receiving and filing counter-affidavits.....	.50

Section 3. That all laws, general, local or special, in conflict with the provisions of this Act, are hereby repealed.

Section 4. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 2, 1951.

Time: 12:22 P. M.

Act No. 352

H. 658—Wood

AN ACT

To alter or to rearrange the boundary lines of the Town of Chatom, Washington County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory in Washington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Chatom, Washington County, Alabama, be, and the same hereby are, altered or rearranged so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory in Washington County, Alabama; all of which territory is more particularly described as being all of that territory lying within the County of Washington, State of Alabama, included and embraced within the boundaries herein set out to-wit:

Begin at the Southeast Corner of Section 25, Township 6 North, Range 3 West, Washington County, Alabama, and from thence run North to the Northeast Corner of Section 13, Township 6 North, Range 3 West, and from said point run thence West to the Northwest Corner of Section 15, Township 6 North, Range 3 West; and from said point run thence South to the Southwest Corner of Section 27, Township 6 North, Range 3 West, and from said point run thence East to the Southeast Corner of Section 25, Township 6 North, Range 3 West, the place of beginning for the lands embraced and described herein. All of which said lands are in Township 6 North, Range 3 West, Washington County, Alabama.

Section 2. That the boundaries set out in Section 1 of this act be, and the same are hereby established as the corporate limits of the said Town of Chatom, Washington County, Ala-

bama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute the lands embraced within the corporate limits of said Town of Chatom, Washington County, Alabama.

Section 3. That all laws and parts of laws, both general, special and local, in conflict with this act be, and the same are hereby repealed.

Section 4. The judge of probate of Washington County shall, within ten days from the date of the enactment of this Act, make and enter an order upon the minutes of said court directing and ordering an election to be held by the qualified electors residing within the territory described in this Act on the same day that the next regular, special, or constitutional amendment election is held in such county, at which election there shall be submitted the question "Do you favor the annexation of territory to the Town of Chatom as proposed in H. B. No. 658 as passed at the 1951 regular session of the Legislature?" If a majority of the votes cast at said election are in favor of the proposal, this Act shall be operative immediately; if a majority of the votes cast at such election are against the proposal, this Act shall have no further force or effect. The election provided for herein shall be held and conducted by the officers appointed to hold the general, special, or constitutional amendment election held on the same day. The judge of probate shall canvass the returns of the election and enter an order declaring the result. The Town of Chatom shall pay the cost and expense incidental to the election provided for herein.

Approved August 2, 1951.

Time: 12:45 P. M.

Act No. 353

H. 60—Kendall, Kaul, Faulk, Sellers

AN ACT

To impose extra, new, and additional duties upon the Chief Examiner of Public Accounts; to provide additional compensation for the performance of the extra, new, and additional duties imposed upon him; and to provide for the payment of additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to the duties now imposed upon him by law, the Chief Examiner of Public Accounts shall perform the following extra, new, and additional duties: (a) Prepare, for use by the county boards of education, such bookkeeping, accounting, and reporting systems, procedures, records, and forms as may be necessary to the installation of a uniform system of accounting and reporting by the several county boards of education; install such bookkeeping, accounting, and reporting sys-

tems in and for such county boards of education and exercise and maintain continuing supervision thereof; (b) Prepare and furnish to the chairman of the boards of revenue, courts of county commissioners, or other governing bodies of the several counties of the State a fiscal statement of each county, as of the end of each fiscal year, said statement showing receipts, disbursements, outstanding indebtedness and securities owned of and by each of the several counties.

Section 2. That for the performance of the extra, new, and additional duties hereby imposed upon the Chief Examiner of Public Accounts, he shall be paid additional compensation in the amount of four thousand three hundred dollars (\$4,300.00) per year, such additional compensation to be paid out of the appropriation for salaries to the Department of Examiner of Accounts in the same manner as salaries of other state officers are paid. The compensation herein provided for the Chief Examiner of Public Accounts is in addition to his salary as now provided by law, it being the intention of this Act to make his total compensation ten thousand dollars (\$10,000.00) per year.

Section 3. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 3, 1951.

Time: 11:55 A. M.

Act No. 354

H. 672—White (Cullman)

AN ACT

Relating to Cullman County to authorize the Board of Registrars of Cullman County to meet and be in session for sixty days for purging the registration list, and to provide compensation therefor to provide for clerk and other incidental expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Registrars of Cullman County is directed and authorized to meet and be in session for sixty calendar days for purging the registration list of Cullman County.

Section 2. The Board of Registrars of Cullman County, in order to perform the duties imposed upon them by this Act, shall come into session on the first Tuesday after the first Monday after this Act becomes effective for the purposes hereof; that it shall perform the duties of purging the registration list of Cullman County in the manner now provided by law.

Section 3. The members of the Board of Registrars of Cullman County shall receive as compensation for the duties imposed by this Act the sum of \$7.50 per day, to be paid by Cullman County out of any money in the treasury of the County not otherwise

appropriated. The proper official of Cullman County shall draw his warrant payable to the members of the Board of Registrars for the performance of the duties imposed hereby after they have completed the purging of the registration list.

Section 4. It is the intent and purpose of this Act to eliminate and purge from the list of registered voters of Cullman County the names of all persons who are not properly on such registration list.

Section 5. The meeting of the Board of Registrars, provided for in this Act, shall be in addition to the regular meetings of the Board as now provided by law.

Section 6. The Board shall have authority to employ a Clerk, who will draw the same per diem of \$7.50, which Clerk will be under the supervision of said Board.

Section 7. Any and all advertising of the meeting places and dates and also of purged names shall be paid out of any of the County Treasury general fund not otherwise appropriated.

Section 8. That all laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 3, 1951.

Time: 11:25 A. M.

Act No. 355

S. 484—Richardson

AN ACT

To propose an amendment to the Constitution of Alabama relating to Lawrence County authorizing the creation of special school districts in said County, special school district taxes, the construction, improvement and equipping of school buildings in said special school districts, and the issuance of bonds therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, to become valid as a part of the Constitution of Alabama when approved by a majority of the qualified electors voting at an election to be called and upon proclamation of the Governor:

Amendment

“The Board of Education of Lawrence County may designate one or more school districts within said County (except that no part of the territory embraced within the special school district

established under the provisions of the amendment of the Constitution proposed by Act No. 473 of the regular session of the Legislature of Alabama of 1949 shall be included in any such special school district) and may sell and issue bonds in an amount not exceeding one hundred fifty thousand dollars (\$150,000.) for each such special school district for the construction, improving, adding to, or equipping of a school building, or buildings, within said district. To pay the principal of and interest on said bonds and any redemption premium thereon, Lawrence County may levy and collect an annual tax on all taxable property situated within the special school district with respect to which such bonds may be issued, at a rate not in excess of five mills on each dollar's worth of said property as assessed for state taxation for the preceeding tax year; provided, that whenever said tax has produced an amount sufficient to pay the principal of and interest on said bonds the tax shall not be thereafter levied and any surplus remaining therefrom shall be used for general school purposes in said school district. The bonds and tax herein authorized shall be in addition to those heretofore authorized, and no such bonds shall be issued, no such tax shall be levied, until the estimated cost of constructing, improving, adding to, or equipping the school building or buildings to be built in such district, its estimated time of completion, the maximum principal amount of the bonds proposed to be issued, the maximum rate of interest to be paid thereon, and the period over which the bonds to be issued will be retired, shall have been determined and made public by the Board of Education of said County, and the proposed issuance of bonds and increase in the rate of taxation shall have been authorized by a majority of the qualified electors of such special school district voting upon such proposal at an election to be called by the County governing body for said purpose, said election to be held not less than sixty days after the adoption of this amendment, but at anytime thereafter at the discretion of the said County governing body. The election provided herein shall be called, held, conducted and canvassed, and may be contested, as in the case of three mill school tax elections held pursuant to Article 7, Chapter 10, Title 52 of the Code of Alabama of 1940. Any bonds issued pursuant to this amendment shall be payable solely out of the proceeds of said tax which may be pledged therefor, but said bonds shall constitute negotiable instruments although payable from a limited source, and said bonds shall be eligible for the investment of trust funds. This amendment shall be self executing."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceeding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office in such county.

Constitutional Amendment.

Passed the Senate July 27, 1951.

Passed the House August 3, 1951.

Act No. 356

S. 41—Boutwell, Quarles, Clayton

AN ACT

To merge the building commission created by Section 365 of Title 55 of the Code of Alabama (1940), the commission to acquire land created by Section 15, of Title 55 of the Code of Alabama (1940), and the Alabama Building Corporation, with the Building Commission created by Act 128, H. B. 129, approved June 16, 1945, (General Acts of Alabama, 1945, page 116).

Be It Enacted by the Legislature of Alabama:

Section 1. The building commission created by Section 365 of Title 55 of the Code of Alabama (1940), the commission to acquire land in proximity to the state capitol created by Section 15 of Title 55 of the Code of Alabama (1940), and the Alabama Building Corporation created by Act No. 146, H. 423, approved June 23, 1945 (General Acts of Alabama, 1945, page 182), are hereby merged with the building commission created by Act No. 128, H. 129, approved June 16, 1945 (General Acts of Alabama, 1945, page 116), hereinafter referred to as the Building Commission of 1945. The Building Commission of 1945 shall exercise the functions, have all the power, authority, and funds, and perform all the duties of the merged agencies, which agencies are hereby abolished.

Section 2. The appropriations made to the agencies herein merged with the Building Commission of 1945 shall continue in full force and effect and may be spent by the Building Commission of 1945 for the purposes for which they were made and for the operation and maintenance of the Building Commission of 1945 until October 1, 1951, at which time they shall lapse completely.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:31 A. M.

Act No. 357

S. 156—Eddins, Andrews

AN ACT

To provide a penalty for giving a false statement in purchasing hunting, fishing, seafood or fur-bearing animal licenses. To further provide a penalty for changing or altering such licenses. To provide a penalty for the lending, borrowing, selling, buying, renting or using the license of another.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who wilfully or knowingly makes to any officer authorized to issue a hunting, fishing, fur-bearing animal or seafood license a false statement as to his or her name, age, residence, or any other statement relevant to the purchasing of said license, or any person who makes to any officer designated to issue hunting, fishing, fur-bearing animal or seafood licenses an incorrect statement when purchasing a license for another, and makes such a statement knowing it to be false, shall be guilty of a misdemeanor and upon conviction will be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars.

Section 2. Any person who changes or alters duly issued hunting, fishing, fur-bearing animal or seafood licenses shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Fifty (\$50.00) Dollars.

Section 3. The lending, borrowing, selling, buying, renting or using in any way the license of another to hunt, fish, trap, deal in furs or to take oysters or shrimp shall constitute a misdemeanor and shall be punishable by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Fifty (\$50.00) Dollars.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:32 A. M.

Act No. 358

S. 256—Boutwell

AN ACT

To provide for the transfer of any surplus over and above \$1,500,000.00 in the State Treasury to the credit of the General Fund after the payment of all appropriations now or hereafter made payable from said funds for each of the fiscal years ending September 30, 1951, and Septem-

ber 30, 1953, to the Building Commission created by Act No. 128, approved June 16, 1945 (General Acts of Alabama, 1945, page 116.) to be used as a part of the Building Commission Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That any surplus over and above \$1,500,000.00 in the State Treasury to the credit of the General Fund after the payment of all appropriations now or hereafter made payable from said funds for each of the fiscal years ending September 30, 1951, and September 30, 1953, shall be transferred to the Building Commission created by Act No. 128, approved June 16, 1945 (General Acts of Alabama, 1945, page 116.) to be used as a part of the Building Commission Fund.

Section 2. That at the close of each of the fiscal years ending September 30, 1951, and September 30, 1953, the Comptroller is authorized and required to draw his warrant for all monies in the State Treasury to the credit of the General Fund over and above \$1,500,000.00, after the payment of all appropriations now or hereafter made payable from said fund, payable to the State Treasurer to be covered by him into the State Treasury to the credit of the Building Commission created by Act No. 128, approved June 16, 1945 (General Acts of Alabama, 1945, page 116.) as a part of the Building Commission Fund.

Section 3. That the money so transferred from the General Fund to the Building Commission Fund must be expended in accordance with the statutes and regulations of the Building Commission created by Act No. 128, approved June 16, 1945 (General Acts of Alabama, 1945, page 116.).

Section 4. All laws and parts of laws, general, special, or local, in conflict with the provisions of this act are hereby expressly repealed.

Section 5. That this act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:33 A. M.

Act No. 359

H. 150—Adams (Jefferson),
Meeks, Beatty, Selden

AN ACT

To provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold valid amateur radio station license issued by the Federal Communications Commission, upon which, in lieu of the numbers as prescribed by law, shall be inscribed the official Amateur Radio Station call letters of such owner, and to provide for the payment of an additional fee of \$1.00 by each Amateur Radio Operator issued a special license tag as herein provided for.

WHEREAS, from the cliffs of California through the flooded valleys of the Mississippi to the hurricane lashed shores of Florida, the amateur radio operator has proven his worth in time of disaster to the people of his community, and

WHEREAS, he has been directly responsible for the saving of life and property, when the regular communications facilities have failed, by providing reliable communications to all relief organizations, Civil Authorities and individuals seeking aid for stricken areas, and information of unheard from relatives and friends, and

WHEREAS, his voluntary efforts in locating travelers and persons whose whereabouts are unknown, and in numerous instances when disaster and storm have threatened, he has been a helping hand to his fellowman, and

WHEREAS, there are approximately one thousand licensed amateur radio stations ready and alert, equipped at their own expense, organized into existing everyday operating nets of communications covering our State, and systems of nets throughout our country, and prepared in any emergency, and

WHEREAS, a distinctive automobile tag would prove of great aid to the Highway Patrol, Sheriffs, Red Cross, Municipal Police and the National Guard in locating these amateur radio operators, and their movement through restricted areas, in time of public necessity, and

WHEREAS, in the state of National emergency the Civil Defense organizations have realized the need for the amateur radio operator in their preparations for disaster, and

WHEREAS, it is our desire to aid and foster the building of Civil Defense organizations within our State, THEREFORE,

Be It Enacted by the Legislature of Alabama:

Section 1. Owners of Motor Vehicles who are residents of the State of Alabama, and who hold valid Amateur Radio Station license issued by the Federal Communications Commission, upon application, accompanied by proof of ownership of such Amateur Radio Station license, complying with the State Motor Vehicle Laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for tags, as provided by law, and the payment of an additional fee of \$1.00, shall be issued license plates, as provided by law, for private or pleasure motor vehicles, upon which, in lieu of the numbers as prescribed by law, shall be inscribed the official Amateur Radio Station call letters of such applicant as assigned by the Federal Communications Commission.

Section 2. The State Department of Revenue shall make such rules and regulations as necessary to insure compliance with all

State license laws relating to use and operation of a private or pleasure motor vehicle before issuing these tags in lieu of the regular Alabama license plates, and such rules and regulations as necessary to provide for the application for and issuance of such Special Tags.

Section 3. The State Department of Revenue shall, on or before the first day of January of each year, furnish to the sheriff of each county of the State of Alabama an alphabetically arranged list of the names, addresses and license tag letters of each person to whom a license tag is issued under the provisions of this act, and it shall be the duty of the sheriffs of the State to maintain and to keep current such lists for public information and inquiry.

Section 4. This Act is supplementative to the motor vehicle licensing laws of the State of Alabama and nothing herein shall be construed as abridging or repealing such laws.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 7, 1951.

Time: 10:34 A. M.

Act No. 360

H. 327—Edgar

AN ACT

Relating to the plat books of tax assessors; amending Sections 66, 67, and 68, Title 51, Code of Alabama (1940), as amended.

Be It Enacted by the Legislature of Alabama:

Sections 66, 67, and 68, Title 51, Code of Alabama (1940) are amended to read as follows:

"Section 66. It is the duty of the tax assessor of every county in the state to procure at the expense of the county a book in the form to be prescribed by the department of revenue, in which he shall enter a complete map and list of all the blocks and lots which have been platted, and the maps of which are recorded in the office of the judge of probate or can be procured within his county, beginning with the lowest numbered block and lot and proceeding in numerical order to the highest, with the name of the owner set opposite each block and lot. Each subdivision or addition to any town or city shall be shown by proper headings at the top of each page of such lot book, and by index in the front thereof. The tax assessor shall annually make the entries thereon, for which he shall be allowed a reasonable compensation to be fixed by the governing body of the county at not less than \$150.00 for each book of 400 pages or more. Provided, however that in Jefferson county the tax assessor shall keep map books

as above prescribed which shall only show the unit number of each and every parcel of property, and shall show annually any change in any unit number, but not otherwise. Provided further, however, that in any county where the Tax Assessor is on a salary basis the additional compensation provided for in this Section shall not be applicable.

"Section 67. The tax assessor shall make, or cause to be made, a complete plat book or books of all real estate in the county, unless such book or books have already been provided, in a form to be prescribed by the department of revenue, in which the name of the owner shall be entered on each separate subdivision. To the person performing the work of making the plat books required by this and the preceding section, there shall be paid out of the general fund of the county a reasonable compensation, to be fixed by the governing body of the county at not less than \$150.00 for each book of 400 pages or more, which debt shall be a preferred claim against the county. Provided, however, that in any county where the Tax Assessor is on a salary basis the additional compensation provided for in this Section shall not be applicable.

"Section 68. The tax assessor shall each year before the first day of October in such year, revise the plat book provided for by the two preceding sections of this title, so as to correspond with the tax returns for such year, and as otherwise provided by law, or by the order of the department of revenue."

Approved August 7, 1951.

Time: 10:35 A. M.

Act No. 361

H. 710—Scruggs

AN ACT

To abolish the Office of the Deputy or County Solicitor of Marshall County Alabama, and to provide that all of the duties, powers and authorities now held by said Deputy or County Solicitor be and the same are hereby conferred upon the Circuit Solicitor of the Judicial Circuit composed of Marshall County, Alabama, and to provide that said Circuit Solicitor shall perform all of said duties without additional compensation and provide when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

"Section 1. That the Office of the Deputy or County Solicitor for Marshall County, Alabama, be and the same is hereby abolished and all of the powers, duties and authorities of said Deputy Solicitor or County Solicitor of Marshall County, Alabama, be and they are hereby conferred upon the Circuit Solicitor of the Circuit composed of Marshall County, Alabama, and that said Circuit Solicitor shall perform such duties and have such powers and authorities without any additional compensation; that this

act shall become effective upon and when a judicial circuit composed of Marshall County, Alabama, only is created by an Act of the Legislature of the State of Alabama."

Approved August 7, 1951.

Time: 10:36 A. M.

Act No. 362

H. 709—Scruggs

AN ACT

To establish the County Court of Marshall County, Alabama; to create and define its jurisdiction; to provide its officers, their powers, duties, qualifications and compensations, and manner of payment to them; to regulate the compensation of witnesses in said Court; to fix the terms of said Court, and the place of holding the same; to provide for the transfer of all misdemeanors now pending in the County Court of Marshall County which Court is abolished, as now constituted, into this Court for trial and provide for the transfer of all juvenile cases now pending in the Probate Court of Marshall County, Alabama, and of all domestic relations cases brought under the provisions of Article 3 of Chapter 4 of Title 34 of the Code of Alabama of 1940 from the Probate Court into this Court; to abolish criminal jurisdiction of Justices of the Peace; to regulate payment of fees of officers, and witnesses in said Court; to prescribe rules, regulating the procedure, pleading and practice in said Court; to provide for payment of fines and forfeitures paid into said Court into the County Treasury of Marshall County; to provide for the taxing and collecting of County Court cost and fees; to provide for registration of certificates of judgments from said Court; to make the provisions of Chapters 6, 10, 11, 12, 20, 27 and 35 of Title 7 of the Code of Alabama of 1940, as amended, applicable to said Court; to provide for the transfer of cases from said Court to the Circuit Court in case the Presiding Judge in said Court is incompetent to try the same; to give the Court jurisdiction of offenses under Chapter 7 of Title 13 of the Code of Alabama of 1940, and Article 3 of Chapter 4 of Title 34 of said Code; to provide for appeals from said Court; to provide for taxing and collecting solicitor's fees in said Court and provide for their payment into the County Treasury; and provide for appeals from Justice Courts in civil cases in Marshall County to said Court; to provide for appeals from said Court to the Circuit Court and prescribing rules and regulations governing said appeals; to provide that the Judge of said Court shall have authority to make examination of preliminary proceedings as provided in Chapter 6 of Title 15 of the Code of Alabama of 1940; to regulate the practice of law by the Judge of said Court; to provide for acquisition of books, equipment and supplies for the operation of said Court and its offices; to provide that should any Section or part of a Section of this Act be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the remaining Sections or parts of Sections of this Act; and to provide that this Act shall go into effect immediately upon its approval.

Be It Enacted by the Legislature of Alabama:

Section 1: That there be and is hereby established in and for the County of Marshall a court which shall be called, "The County Court of Marshall County, Alabama", which Court shall have original and exclusive jurisdiction, except as herein provided, of all misdemeanors committed within said County, and shall have concurrent jurisdiction with Justices of the Peace of all matters

of a civil nature where the amount claimed or value or property sued for does not exceed One Hundred Dollars. Said Court shall also have and exercise the concurrent jurisdictions, functions and powers over all matters, when the amount sued for or value of the property claimed is more than One Hundred Dollars and not more than Three Hundred Dollars, which are now or may hereafter be by law conferred upon the several Circuit Courts of this State. That the rules of pleading, practice and procedure of said Court, except as herein otherwise provided, shall conform to the rules of procedure, pleading and practice in the Circuit Courts of this State; provided that the Presiding Judge of said Court shall have power to make and adopt such rules of practice as may be desired by a proper system of practice for said Court, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said Court and shall not be in conflict with any of the laws of the State, or the rules of the Supreme Court or of Circuit Courts, and may be changed or annulled by the Supreme Court of the State.

Section 2: That said Court shall have original jurisdiction of all bastardy cases and bastardy proceedings in said County which shall be tried under the same rules and procedure as if they were tried in the Circuit Court.

Section 3: All civil cases at law, criminal cases and all causes in said Court brought by appeal shall be tried and determined by the Court without a jury.

Section 4: That said court shall be a court of Record and shall adopt a seal, which shall remain in the custody of the Clerk.

Section 5: That as soon after the approval of this act by the Governor as practicable, the Governor shall appoint a Judge for said Court whose qualifications shall be the same as now or may hereafter be required for Judges of the Circuit Courts of this State, and whose term of office shall begin immediately upon his appointment and qualification and shall continue until the general election in the year 1952 and until his successor is elected and qualified at the said general election in the year 1952, and every six years thereafter, a Judge of said Court shall be elected by the qualified electors of said County, whose term of office shall be for six years from the date of his election, and until his successor is elected and qualified. The Judge of said Court so appointed or elected as herein provided, shall, before entering upon the duties of his office, take the oath of office as now required by law by the Judges of the Circuit Courts of Alabama.

Section 6: That the salary of the Judge of said County Court of Marshall County shall be Three Hundred Dollars per month, payable on his order on the County Treasurer or acting treasurer of Marshall County, Alabama, monthly at the end of each month and such claim shall be a preferred claim against the County.

Said Judge shall not be prohibited from practicing law in other matters not connected with any matter that could be brought before him in his said court, but he is prohibited from practicing law in any matter that could be brought before his court.

Section 7: That the Judge of the County Court of Marshall County shall have and exercise all the powers, functions and jurisdictions in said Court which are or may hereafter be lawfully exercised by the Judges of the Circuit Courts in their Courts. Vacancies in the office of the Judge shall be filled by the Governor within ten days after the vacancy occurs, and the person so appointed shall hold his office until the next general election for any State Officer held at least six months after the vacancy occurs, and until his successor is elected and qualified; the successor chosen at such election shall hold office for the unexpired term, and until his successor is elected and qualified. That the Judge of said Court may be impeached or removed from office for the same causes and in the same manner as is provided by law for the impeachment or removal from office of Judges of the Circuit Courts.

Section 8: That if for any cause the Judge of said Court shall become incompetent to try any case in said Court the Clerk shall certify that fact, with all the original papers, docket and minute entries in said case to the Circuit Court at Albertville, if the case is pending in said Court at Albertville, to the Circuit Court at Guntersville, if the case is pending in said Court at Guntersville, and the Circuit Court shall thereupon take jurisdiction of said cause and try the same on the original papers certified from said County Court of Marshall County and as may be amended in said Circuit Court.

Section 9: That the Judge of said County Court of Marshall County shall have the same power and authority to impose fines, sentence to imprisonment in the County Jail and to hard labor for Marshall County and to punish for contempts that the Circuit Courts and the Judges thereof now have or may hereafter have.

Section 10: That the Sheriff of Marshall County, Alabama shall be, in person or by Deputy, required to attend said Court, preserve order, and execute and return its process and perform such other duties in all respects as required in the Circuit Courts of this State, and he shall furnish all subordinate officers as may be necessary to expedite the business of said Court.

Section 11: That the Clerk of the Circuit Court of Marshall County, Alabama be, and he is hereby made ex officio clerk of the County Court of Marshall County, Alabama.

Section 12: That the Clerk of the Circuit Court of Marshall County, Alabama, before entering upon the performance of the duties of Clerk of the County Court of Marshall County must give bond with sufficient sureties in the sum of Ten Thousand

Dollars, payable to the State of Alabama, and conditioned faithfully to discharge the duties of Clerk of the County Court of Marshall County during the time he may continue therein, which bond must be approved by the Judge of Probate and filed and recorded in the Office of the Judge of Probate, and with surety as provided for bonds of Clerks of the Circuit Court in this State.

Section 13: That it shall be the duty of the Clerk of said Court to procure and keep all necessary documents, records and books for the use of said Court, the same as is now or may hereafter be required to be kept by Clerks of the Circuit Court at the expense of said County. That he shall at all times keep an office at the Courthouse at Guntersville and an office at the Courthouse at Albertville and at all times keep said offices open for the transaction of business and shall at all times keep a deputy Clerk at his office at Albertville and said Deputy Clerk in the name of the Clerk may issue all processes in manner and form now required by law for said Court, and the Clerk himself when required shall likewise issue all papers and processes for said Court, both at Albertville and Guntersville.

Section 14: That the County Solicitor of Marshall County, Alabama shall in addition to the duties now required of him by law, be the solicitor of said Court along with the Circuit Solicitor and shall be required to attend said Court and therein prosecute all cases of a criminal or quasi criminal nature where the State is a party to the case, the same as the Solicitors are required to prosecute in Circuit Courts and for such services he shall be paid a salary of Two Hundred Fifty Dollars per month which shall be in lieu of the amount now fixed by law for his salary as County Solicitor, said salary to be payable at the end of each month on his order on the County Treasurer and shall be a preferred claim against Marshall County.

Section 15: In case a judicial circuit is later formed, or is in existence at the time of the passage or approval of this act, which Circuit consists only of Marshall County, then, in that event, the office of the County Solicitor of Marshall County, Alabama, will stand automatically abolished, and in such event all of the duties of the County Solicitor and all of his powers and authorities shall be and stand transferred to the Circuit Solicitor of said Circuit and said Circuit Solicitor shall thereupon perform all such duties of County Solicitor without additional compensation.

Section 16: That all witnesses in attendance upon said Court must prove their attendance with the Clerk at the time of the termination of the trial of the cause in which they were subpoenaed or called to testify and unless they prove their attendance within that time their fee and mileage shall not be taxed as cost nor shall they be recoverable against either party. That the fees of the Clerk and Sheriff as officers of the County Court of Marshall County for services rendered therein shall be the

same as are now or may hereafter be allowed for like services in the Circuit Courts of this State, provided however, that the Clerk and Sheriff shall not be allowed to collect any more as Ex Officio fees from the County Treasurer than they were collecting before the passage of this bill, and all fine and forfeiture funds payable to the Clerk and Sheriff shall be payable as is now provided by local Act of the Legislature approved the 6th day of September, 1935 from the same funds and in the same manner.

Section 17: That the fees allowed to the officers of this Court, unless otherwise provided herein, shall be payable in the same manner and from the same fund as such fees are now paid to such officers for services in the Circuit Court.

Section 18: That a party aggrieved or desiring to bring a charge of misdemeanor before said Court shall apply only to the Solicitor of said Court or to the Clerk of said Court for a warrant of arrest, and upon making affidavit in writing that he has probable cause for believing and does believe, that offense (designating the misdemeanor by name, or by some other phrase which in common parlance designates it), has been committed in said County by C. D. (naming the offender), on the person or property, as the case maybe, of A. B. (naming the person injured), then the Solicitor of said Court or the Clerk of said Court shall examine the affiant under oath, and other witnesses, if he so desires, touching the offense charged in the affidavit, and if the solicitor, or Clerk, as the case may be, has probable cause for believing that the offense alleged in the affidavit has been committed he shall issue his warrant of arrest which maybe in the following form:

STATE OF ALABAMA }	
MARSHALL COUNTY }	COUNTY COURT

To Any Sheriff of the State of Alabama:

You are hereby commanded to arrest C. D. and take him before the County Court of Marshall County at Guntersville, Alabama (or Albertville, Alabama, as the case may be) at the next term of said Court, to answer the State of Alabama on the charge of (describe the offense as stated in the affidavit), preferred by A. B.

Witness my hand this.....day of.....19.....

C. C. Solicitor
County Court of Marshall County
(or Clerk as the case may be)

Section 19: The officer issuing the Warrant provided for in Section 18 of this Act shall set a reasonable bond endorsed upon the warrant at the time of its issuance, failing to do so such bond then shall be set by the officer executing the same.

Section 20: That all civil cases tried before any of the Justice Courts in Marshall County, shall upon an appeal be sent by such Justice trying said case, together with a transcript of his docket and all the original papers in said cause to the County Court of Marshall County and be tried therein de-novo. Said appeals to be taken from said Courts to the County Court of Marshall County as now or hereafter provided by law for appeals to Circuit Court.

Section 21: That every case, civil or criminal, shall have at least two pre-emptory calls in every year, and cases against prisoners shall be called as many more times as may be necessary to secure prompt trials.

Section 22: That said Court shall at all times remain open for the transaction of business.

Section 23: That all fines and forfeitures accruing from the prosecution and trial of criminal cases in this Court shall be paid into the fine and forfeiture fund of Marshall County.

Section 24: That Chapters 6, 10, 11, 12, 20, 27 and 35 of Title 7 of the Code of Alabama of 1940, as amended, and Chapter 6 of Title 15 of the Code of Alabama of 1940, as amended, insofar as they are applicable to the Circuit Courts of this State are also applicable and shall be deemed to be the law governing such matters in this Court insofar as they do not conflict with the provisions of this Act and this Court shall also have exclusive jurisdiction of violations under Chapter 7 of Title 13 of the Code of Alabama of 1940 and Article 3 of Chapter 4 of Title 34 of the Code of Alabama of 1940 and jurisdiction of Chapter 35 of Title 7 of the Code of Alabama of 1940 now within the jurisdiction of a justice of the peace court. Exclusive jurisdiction for the possession of land under Chapter 3 of Title 31 of the Code of Alabama of 1940, forcible entry, unlawful detainer, and actions in the nature of unlawful detainer is hereby given to said Court.

Section 25: The owner of any judgment rendered in said Court may file in the office of the Judge of Probate a certificate of the Clerk as provided by Article 9 of Title 7 of the Code of Alabama of 1940 which when filed shall be a lien on all of the property of the defendant which is subject to levy and sale under execution and such lien shall continue for ten years after the date of such judgment and no insolvency proceeding or declaration of insolvency shall affect or impair such lien except bankruptcy proceedings instituted within four months after the filing of the certificate of judgment for record as above provided. The filing of said certificate of judgment shall be notice to all persons of the existence of the lien thereby created and execution may be issued at any time within ten years from the date of such judgment whether execution has been previously issued or not, provided such certificate has been so filed for record within ten years from the date of its rendition.

Section 26: That whenever two or more warrants or writs of arrest have been issued from said Court and the defendant has not been arrested thereon the Court may order said warrants or writs of arrest to be withdrawn and filed and at any time thereafter alias warrants or writs of arrest may issue in said case and the cause proceed and be tried as if alias warrants or alias writs of arrest had regularly issued returnable to each term of said Court.

Section 27: That a term of said Court shall be held at the Courthouse at Guntersville, Alabama on the first Monday of each of the months of January, March, May, July, September and November and may continue in session for two weeks or until the business of said Court is disposed of and a regular term of said Court shall also be held at the Courthouse at Albertville on the first Monday in each of the months of February, April, June, August, October and December and may continue in session for two weeks or until the business of said Court, is disposed of. Special terms may be called at anytime by the Judge. The Judge may by proper order fix other or different times for holding said Court.

Section 28: That said Court is divided into two territorial jurisdictions one to be known as the Albertville Branch of said Court and the other the Guntersville Branch of said Court. The territorial jurisdiction of the Albertville Branch of said Court, both civil and criminal, shall be the same, except as in this act otherwise provided, as the jurisdiction now conferred by law on the Albertville Branch of the Circuit Court of Marshall County, Alabama. The territorial jurisdiction of the Guntersville Branch of said Court, both civil and criminal, shall be the same, except as in this act otherwise provided, as the jurisdiction now conferred by law on the Guntersville Branch of the Marshall County Circuit Court.

Section 29: That should a suit or cause of action be brought in either branch of said Court and it should develop either on plea in abatement, or motion to transfer that said cause of action was filed in the wrong branch of said Court, then the Court may of his own motion or must on motion of either party transfer said suit or cause of action to that branch of the Court having original jurisdiction, thereof, for trial as provided by this act, but if no such plea in abatement or motion is made it is waived if not transferred.

Section 30: Article 12 of Chapter 4 of Title 7 of the Code of 1940, as amended shall also be applicable to cases in this Court.

Section 31: That there may be such temporary adjournments of such Court as may be deemed expedient and proper by the Judge thereof.

Section 32: Any party so desiring may appeal to the circuit

court from a decision rendered against him in this Court in the same manner that appeals are now taken from Justice of the Peace Courts; provided, however, that an appeal bond must be filed and approved with good and sufficient sureties in such reasonable amount as the Court may prescribe in the appeal, and said bond shall be filed and approved within 3 days from the date of taking said appeal, except, where shorter time is prescribed by law, such shorter time shall prevail.

Section 33: That a fee of Five Dollars, in addition to the other cost, shall be taxed in each criminal or quasi criminal case against the defendant on conviction or against the prosecutor, if he should be taxed with the cost as provided by law, as a trial tax and if not presently paid may be collected by execution or by sentence to hard labor and when collected shall be paid into the County Treasury. That a fee of Five dollars, in addition to the other cost, shall be taxed in each civil case as a trial tax, the same to be collected as other costs taxed in said case and may be collected by execution and when collected shall be paid into the County Treasury. All monies herein required to be paid into the County Treasury shall be credited to the General fund of said County.

Section 34: That the Clerk, with the approval of the Judge of this Court, in writing, is authorized to purchase all necessary furniture, records, stationery and supplies for the equipment and maintenance of said Court. That the same shall be paid for out of the County Treasury upon certificate by the Clerk and countersigned by the Judge of said Court.

Section 35: That civil suits or causes of action shall be brought in the same manner and service had in the same manner as now or may hereafter be provided by law for suits originating in the Circuit Courts of this State.

Section 36: That there shall be taxed and collected as cost in all criminal cases in said Court a Solicitor's fee which shall be in the same amount as now collected in Circuit Courts of this State in like cases, for the same offense and when collected shall be paid by the Clerk into the County Treasury.

Section 37: The Judge of said Court shall also make examination of all matters of preliminary proceedings, as provided in Article 3 of Chapter 6 of Title 15 of the Code of Alabama, of 1940, arising in said County. No other Court or officer shall have authority to hold preliminary hearings in said county.

Section 38: That it shall be the duty of the Ex officio Clerk of the County Court of said County within 30 days after the passage and approval of this Act to transfer all cases then pending on the docket of the County Court as heretofore constituted in Marshall County, Alabama, together with the original of all papers on file in said case and he shall place them on the docket of this

Court in the same numerical order that they appeared upon the docket of the County Court as heretofore constituted; that within 30 days after the passage and approval of this Act the Judge of Probate shall transfer all juvenile cases now pending in the Probate Court of Marshall County, Alabama, and all domestic relations cases brought under provisions of Article 3 of Chapter 4 of Title 34 of the Code of Alabama of 1940 from the Probate Court and file the same with the Clerk of this Court, together with the original of all papers on file in case of said causes, and upon the filing of any such case from such Court into this Court, this Court herein created shall have the original and exclusive jurisdiction of said matter, or matters, and of said case the same as if originally brought in this Court.

Section 39: This Court shall not have jurisdiction of any indictment returned by the Grand Jury for misdemeanor which jurisdiction in all misdemeanor cases where an indictment is returned before the Grand Jury of said county shall remain with the Circuit Court of said county.

Section 40: All fees, per diem and mileage for witnesses in criminal cases shall be payable as now provided by law for cases in the County Court herein abolished and all fees, per diem and mileage of witnesses in civil cases shall be payable as fixed by law in cases in Circuit Courts.

Section 41: That all laws and parts of laws, general, local or special, in conflict with any of the provisions of this act be and the same are hereby repealed insofar as the same apply to said Court.

Section 42: Should any clause, section, part of section or provision of this act be declared unconstitutional or invalid, the same shall not effect the validity of remaining sections, clauses, parts of sections or provisions thereof.

Section 43: This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:37 A. M.

Act No. 363

H. 51—Selden

AN ACT

To amend Section 88 of Title 36 of the Code of Alabama (1940), as amended, which relates to fines and forfeitures for violations of the laws relating to motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 88 of Title 36 of the Code of Alabama (1940),

as amended, is hereby amended to read as follows: "All fines and forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this chapter constituting a misdemeanor, shall be, within thirty days after such fine or forfeiture is collected, forwarded to the state treasurer. All amounts received from such fines or forfeitures shall be credited to the highway patrol fund. Failure, refusal, or neglect to comply with the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom. Provided that all fines and forfeitures collected by recorders courts or other municipal courts for violation of ordinances whether for acts constituting violations of the provisions of this chapter or not shall be paid into the treasury of such municipality in which the same were collected."

Approved August 7, 1951.

Time: 10:38 A. M.

Act No. 364

H. 523—Brown

AN ACT

Authorizing and directing the State Military Department to make a payment for the relief of Mr. and Mrs. Ralph Coleman Griffin, Sr.

Whereas, on the night of October 16, 1947, while in the active military service of the State of Alabama as a Private in Company A, 200th Infantry Division, Alabama National Guard, at the Armory in Opelika, Ralph C. Griffin, Jr., the Fifteen year old son of Mr. and Mrs. Ralph Coleman Griffin, Sr., received serious personal injuries as the result of a fire at said Armory, and as the proximate consequence of said injuries he died on May 29, 1949; and

Whereas, the said Mr. and Mrs. Ralph Coleman Griffin, Sr. are the only heirs of said deceased soldier and are entitled to compensation for his death; now therefore

Be It Enacted by the Legislature of Alabama:

Section 1. The State Military Department is hereby authorized and directed to pay to Mr. and Mrs. Ralph Coleman Griffin, Sr., the sum of forty-five hundred dollars (\$4500) as compensation to them for the death of their son Private Ralph C. Griffin, Jr., which payment shall be made forthwith upon the passage of this Act, on warrant of the Comptroller in the same manner and from the same source as other payments are made under provisions of Section 115, Title 35, Code of Alabama 1940 as amended.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:39 A. M.

Act No. 365

H. 744—Martin

AN ACT

Relating to prisons and prisoners; amending Section 22 of Title 45, Code of Alabama (1940); providing for the arrest of escaped convicts.

Be It Enacted by the Legislature of Alabama:

Section 22 of Title 45, Code of Alabama (1940) is amended to read as follows:

“Section 22. POWER TO PURSUE AND ARREST WITHOUT A WARRANT.—Every officer and guard, regularly sworn, shall have power to pursue and arrest any escaped convict in any county of this state without a warrant; he may use such force or means as may be required under the circumstances to prevent the convict's escape by flight or to overcome his resistance; and he shall have the same authority as a sheriff to summon persons to assist in making such arrest, or to protect such convict from any violence after arrest.”

Approved August 7, 1951.

Time: 10:40 A. M.

Act No. 366

H. 746—Martin

AN ACT

Relating to prisons and prisoners; making it a felony for any convict or prisoner wilfully or maliciously to injure or destroy any building or property belonging to the State of value in excess of twenty-five dollars and prescribing the penalty therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. Any convict or prisoner who wilfully or maliciously injures or destroys any building or property belonging to the State or any agency or instrumentality thereof of value in excess of twenty-five dollars is guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for not less than one nor more than five years.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:41 A. M.

Act No. 367

H. 747—Martin

AN ACT

Relating to prisons and prisoners; making it a felony for three or more convicts or prisoners to do an unlawful act upon a common cause, or make advances together toward the commission thereof, and prescribing the penalty therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. If three or more convicts or prisoners join together to do an unlawful act upon a common cause, or make advances together toward the commission thereof, they are guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for not less than one year nor more than five years.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:42 A. M.

Act No. 368

H. 440—White (Cullman)

AN ACT

To allow the sheriff of Cullman County, Alabama an additional deputy sheriff to that now provided by law; to fix a salary of said deputy and to make the same payable out of the general funds of Cullman County in monthly installments.

Be It Enacted by the Legislature of Alabama:

Section 1. That the sheriff of Cullman County is hereby allowed an additional deputy to the deputy or deputies now provided by law. Which said deputy shall receive a salary of twenty-one hundred dollars (\$2100.00) per annum to be paid in twelve equal monthly installments out of the general funds of said County, upon the Warrant of the Board of Revenue or other governing bodies of said County.

Section 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Section 3. That this act shall become effective immediately upon approval of the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:43 A. M.

Act No. 369

H. J. R. 75—Thomas

HOUSE JOINT RESOLUTION

Be it Resolved by the House, the Senate Concurring, that Senate Bills 270 & 271 be known as the Wright, McLendon, Davis, Roberts, Denton, Thomas Bills.

Approved August 7, 1951.

Time: 10:46 A. M.

Act No. 370

H. 713—Selden

AN ACT

To extend, alter, rearrange and define the boundary lines and corporate limits of the City of Greensboro, in Hale County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Greensboro in Hale County, Alabama, be and the same are hereby extended, altered, rearranged, and defined so as to include within the corporate limits of said City all that portion of the present territory of said City and certain additional adjacent territory included within the boundaries, described as follows:

Begin at a point on the section line between Sections 17 and 18, Township 20 North, Range 5 East, Hale County, Alabama which point is 200 feet North of the Southeast corner of said Section 18, and from this point of beginning run thence West and parallel with the South boundary of said Section 18 for a distance of 840 feet to a point; thence run South and parallel with the East boundaries of said Section 18 and Section 19, for a distance of 3555 feet to a point; thence run East and parallel with the North boundaries of said Section 19 and Section 20, for a distance of 2178 feet, more or less, to the East boundary of the West Half of the West Half of Section 20; thence North along the said boundary for a distance of 1400 feet, more or less, to the East margin of Alabama Highway 13, or Demopolis Street; thence run in a Northeasterly direction along the said highway or street margin for a distance of 830 feet, more or less, to the South boundary of the North Half of the North Half of said Section 20; thence run East along the said boundary for a distance of 2177 feet, more or less, to the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 20; thence run North along the West boundary of the said Northeast Quarter of the Northeast Quarter of Section 20, for a distance of 1320 feet to the North boundary of said Section 20; thence run East along the section line for a distance of 1312 feet to the Northeast corner of said Section 20; thence run South along the section line for a distance of 790 feet to a point which is approxi-

mately in the center of a county road leading South from Greensboro; thence East and parallel with the North boundary of Section 21 for a distance of 3172 feet to the Southeast corner of Lot 8, Block D of Park Place subdivision (a plat of which is recorded in Deed Book R, page 799, of the Hale County Records); thence run Northerly along the East boundary of said Park Place and the East boundary of College Court subdivision, for a distance of 651 feet to a point which is 28.8 feet south of the Southeast corner of Lot 16 of said College Court (a plat of which is recorded in Map Book 1, page 1A, Hale County Records); thence East and parallel with the North boundary of said Section 21, for a distance of 1220 feet to a point; thence, run North and parallel with the East boundary of Section 16 for a distance of 1500 feet, more or less, to the center of Caldwell Creek; thence run in a Northwesterly direction, with the meander of the stream bed of Caldwell Creek for approximately one mile, to the intersection of the said center of creek with the North boundary of said Section 16, which point is 1000 feet, more or less, east of the Northwest corner of said Section 16; thence run West along the North boundaries of the said Section 16 and Section 17, for a distance of 1840 feet, more or less, to a point which is 310 feet East of the center line of Alabama Highway 13, or Tuscaloosa Street; thence run North 10 degrees, no minutes East (true bearing) for a distance of 934 feet to a point; thence run West and parallel with the said North boundary of Section 17, for a distance of 774 feet to the East margin of Bates Mill Road; thence run South along the said East Margin of Bates Mill Road for a distance of 919 feet to the said North boundary of Section 17; thence West along the section line for a distance of 1188 feet, more or less, to the Northwest corner of the Northeast Quarter of said Section 17; thence run South along the West boundary of the said quarter section for a distance of 2638 feet to the Northeast corner of the Southwest Quarter of said Section 17; thence run West along the North boundary of the said quarter section for a distance of 2624 feet to the West boundary of said Section 17; thence run South along the section line for a distance of 2435 feet to the point of beginning.

All of the above lies and is situated in Sections 8, 16, 17, 18, 19, 20, and 21 of Township 20 North, Range 5 East, of St. Stephens meridian and base line, County of Hale, State of Alabama.

The foregoing description is in accordance with a survey made in May, 1951, by S. Gene Davis, a registered surveyor for Alabama, and plat of said survey is recorded in Map Book 1, on page 15 of Section B, Hale County, Alabama Records, and reference to said plat is hereby made, as it is a graphic representation of said description and survey.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:49 A. M.

Act No. 371

H. 745—Martin

AN ACT

Relating to prisons and prisoners; amending Section 153 of Title 14, Code of Alabama (1940).

Be It Enacted by the Legislature of Alabama:

Section 153 of Title 14, Code of Alabama (1940) is amended to read as follows:

“Section 153. ESCAPES AND ATTEMPTS TO ESCAPE FROM PENITENTIARY, OR GUARD AND FAILURE TO RETURN AT EXPIRATION OF TEMPORARY PAROLE.—Any convict who escapes or attempts to escape from the penitentiary, or from any person or guard having him in charge under authority of law, either within or outside the walls of the penitentiary, before the expiration of the term for which he was sentenced, shall, on conviction be imprisoned for an additional term of not less than one year.”

Approved August 7, 1951.

Time: 10:44 A. M.

Act No. 372

H. 815—Morgan (Tuscaloosa), Shelton

AN ACT

Relating to Tuscaloosa County: To repeal Act No. 424, H. 831, approved September 25, 1947, which levies an additional special privilege or license taxes and excise taxes for hospital purposes (Local Acts, 1947, pp. 281-286), making the Act effective July 31, 1952.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 424, H. 831, approved September 25, 1947, which levies additional special privilege or license taxes and excise taxes in Tuscaloosa County for hospital purposes (Local Acts, 1947, pp. 281-286) is hereby expressly repealed.

Section 2. This Act shall become effective on July 31, 1952.

Approved August 7, 1951.

Time: 10:48 A. M.

Act No. 373

H. J. R. 32—Edgar

HOUSE JOINT RESOLUTION

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the Congress of the United States is hereby respectfully requested, memorialized, and petitioned to enact legislation requiring persons, firms, and corporations engaged in interstate commerce to report their wholesale sales made in interstate commerce to the Revenue Departments of the States affected in order that such States will be able to prevent tax evasions by taxpayers within their jurisdictions.

Be it resolved further, That a duly authenticated copy of this resolve be transmitted by the Clerk of the House to each of the following authorities: the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of Alabama's Congressional Delegation.

Approved August 7, 1951.

Time: 10:49 A. M.

Act No. 374

S. 232—Phillips and Boutwell

AN ACT

To provide for the transfer of any surplus in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus Account after the payment of all appropriations now or hereafter made payable from said funds for each of the fiscal years ending September 30, 1951, and September 30, 1953, to the Alabama State Building Commission to be used as a part of the Building Commission Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That any surplus in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus Account after the payment of all appropriations now or hereafter made payable from said funds for each of the fiscal years ending September 30, 1951, and September 30, 1953, shall be transferred to the Alabama State Building Commission to be used as a part of the Building Commission Fund.

Section 2. That at the close of each of the fiscal years ending September 30, 1951, and September 30, 1953, the Comptroller is authorized and required to draw his warrant for all monies in the State Treasury to the credit of the Alabama Special Educational Trust Fund and Alabama Special Educational Trust Fund Surplus Account, after the payment of all appropriations now or hereafter made payable from said fund, payable to the State Treasury to be covered by him into the State Treasury to the credit of the Alabama State Building Commission as a part of the Building Commission Fund.

Section 3. That the money so transferred from the said funds to the Building Commission Fund must be expended in accordance with the statutes and regulations of the Alabama State Building Commission. Said funds to be allocated to educational use for capital outlay, 12% to be allocated to the institutions of higher learning and the trade schools; the 88% remaining shall be allocated to county and city boards of education on an actual teacher unit basis in accordance with the minimum school program.

Section 4. All laws and parts of laws, general, special, or local, in conflict with the provisions of this act are hereby expressly repealed.

Section 5. That this Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 10:45 A. M.

Act No. 375

H. 618—Dumas, Beatty, Morgan (Jefferson),
Adams (Jefferson), Kaul

AN ACT

To apply only in Jefferson County; To make it unlawful to transport or convey within Jefferson County any machine, mechanical device contrivance, appliance, invention, slip ticket, equipment, paper, or other device whatever its name or character, which is customarily or usually used in the operation of a lottery, policy game, or other game of chance of any sort or kind; to provide for the seizure, forfeiture, and condemnation of any conveyance or vehicle of transportation of any kind which is knowingly used for the transportation or conveyance of, or within which there is contained or found, within Jefferson County any such machine, mechanical device, contrivance, appliance, invention, slip, ticket, equipment, paper, writing or other device, which is customarily or usually used in the operation of a lottery, policy game or other game of chance of any sort or kind; and to fix rules of evidence in court proceedings brought to effect such condemnation of and forfeiture of such conveyances or vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Any transportation or conveyance within Jefferson County of any machine, mechanical device, contrivance, appliance, invention, slip, ticket, equipment, paper, writing or other device, whatever its name or character, which is customarily or usually used in the operation of a lottery, policy game, or other game of chance of any sort or kind, (herein called "lottery paraphernalia") or any possession thereof in any vehicle of transportation is hereby declared to be a misdemeanor; and all conveyances or vehicles of transportation which have been or are knowingly used for the conveying or transporting of prohibited lottery paraphernalia into Jefferson County or from one point in Jefferson County to another point within Jefferson County, or in which

any lottery paraphernalia may be contained or found, shall be contraband and shall be forfeited to the State of Alabama, and shall be seized by any Sheriff or other person acting under authority of the law in the enforcement of the laws of this state, who becomes cognizant of the facts or who finds prohibited lottery paraphernalia being transported, stored or contained as aforesaid in such conveyance or vehicle. And such officer or person shall report the seizure and the facts connected therewith to a solicitor or any prosecuting official in said county, or, in default thereof, to the attorney general of the state, giving a full description of the vehicle or conveyance seized and detained, the person in whose possession it was found, the person making a claim to the same, or any interest therein, if the name can be ascertained or is known, and the date of seizure.

Section 2. In order to condemn and confiscate any of the above mentioned conveyances or vehicles, it shall not be necessary for the state or prosecuting authority to show any actual movement of said conveyances of vehicles while loaded with, or in which there is contained or stored, any of said prohibited lottery paraphernalia, but the presence thereof in any conveyance or vehicle shall be sufficient cause of forfeiture of such conveyance or vehicle. It shall, however, be necessary for the state to show that the owner of said conveyance or vehicle knew that said prohibited lottery paraphernalia was located or contained in said conveyance or vehicle, or had loaned or bailed said conveyance or vehicle to a person with knowledge that lottery paraphernalia was or would be placed, stored or transported therein or that such owner knew or should have known that the borrower or bailee would use said conveyance or vehicle for the storage or transportation of lottery paraphernalia. The reputation of the owner, borrower or bailee of any such conveyance or vehicle as a person who had been engaged in operating or connected with lotteries, gambling or gaming, or, the fact that such person had previously been convicted of a violation of any of the laws of the United States or any state or any municipal ordinance relating to gaming, gambling, or lotteries shall be prima facie evidence that he knew that said lottery paraphernalia was contained therein and in the case of a borrower or bailee, that the owner knew or should have known that such borrower or bailee would use said conveyance or vehicle for the storage or transportation of lottery paraphernalia.

Section 3. Upon the receipt of the report from the sheriff or other person acting under authority of the law hereinabove mentioned, it shall be the duty of the circuit or other solicitor, or any prosecuting officer within said county to forthwith institute condemnation proceedings by a bill or petition in equity in the circuit court of said county in the name of the state against the conveyance or vehicle seized, describing the same, or against the person or persons in possession of said conveyance or vehicle, if

known, to obtain a decree enforcing the forfeiture. No replevin or detinue writ may be employed to retake possession of such seized property pending the forfeiture suit, but any party claiming a superior right may intervene by petition in said suit, and have his claim adjudicated. Such matter shall proceed and be determined in equity in said circuit court in the form and manner, as near as may be, as provided by Sections 248 and 249 of Title 29 of the Alabama Code of 1940, in cases for the forfeiture of contraband liquors, conveyances and vehicles transporting prohibited liquors within the state, except as herein otherwise provided.

Section 4. Any conditional vendor or mortgagee of any such vehicle who shall have acquired or received a conditional sale agreement or mortgage in good faith without knowledge or reason to believe that the conditional vendee or mortgagor had the reputation of being engaged in operating or connected with lotteries, gambling or gaming or had been convicted of violating any of the laws of the United States or any state or any municipal ordinance relating to gaming, gambling or lotteries shall, if said conditional sale agreement or chattel mortgage was duly recorded in the Probate Office designated by the recording laws of the State of Alabama, be protected to the extent of the unpaid balance due on his conditional sale agreement or chattel mortgage.

Section 5. Any bailor or conditional vendor or chattel mortgagee who shall, prior to bailing, selling, or accepting a mortgage upon any such vehicle or conveyance, make inquiry of the sheriff or Federal Bureau of Investigation or any recognized and licensed agency which makes a systematic check of court records of the convictions for violations of the law and furnishes credit reports, and in answer to such inquiry shall be informed in writing that the prospective bailee, conditional vendee or mortgagor has no reputation as a person who has been engaged in operating or connected with lotteries, gambling or gaming, and that such person has not, according to their records, been convicted of a violation of any of the laws of the United States or any state or any municipal ordinance relating to gaming, gambling or lotteries shall be presumed to be entitled to any such vehicle or conveyance or to be protected to the extent of his interest therein and shall effectively rebut any prima facie case provided in Section 2 of this Act.

Section 6. The sheriff of said county or other officer who seizes or comes into possession of such conveyance or vehicle illegally used for the transportation of, or within which there is contained or found, lottery paraphernalia within or into said county and does not know or cannot ascertain the possessor or owner thereof, shall advertise and sell the same according to the rules for selling personal property under execution, and both the court in condemnation proceedings, and the said officer on ad-

vertisement shall sell the right of all interested persons in and to said conveyance or vehicle, who aided or assisted in the illegal transportation or who had knowledge or notice thereof, or who had knowledge of the presence thereof in said vehicle or conveyance, or who could by reasonable diligence have obtained knowledge or notice thereof.

Section 7. The proceeds of the sale of any such vehicle or conveyance forfeited to the state, whether sold by court decree or by an officer under advertisement, shall, after paying all expenses in the cause, and of advertisement, as the case may be, including the costs of seizure and of keeping the property pending the proceedings, shall be credited as follows: one-fourth of such proceeds shall go to the law enforcement officer making the seizure and furnishing the proof, but, if proof be furnished by a person other than the officer making the seizure, one-eighth of such proceeds shall go to the furnisher of the proof and one-eighth shall go to the officer making the seizure and assisting in the condemnation case or who makes the sale under advertisement; and, if the seizure is made by a municipal police officer, three-fourths of such proceeds shall go to the municipality employing such officer, or, if the seizure is made by a county or state law enforcement officer, three-fourths of such proceeds shall go to the county in which the seizure is made, or if such seizure is made by both municipal officers and county or state officers, three-eighths to the municipality employing such officer and three-eighths to the county in which the seizure is made. If the law enforcement officer making the seizure is employed full time on a salary basis for any municipality, the portion of such proceeds to which he is entitled shall be the property of and be paid over to the municipality by which he is employed.

Section 8. If any section, clause, provision, or portion of this Act shall be held to be invalid by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Act which is not in and of itself unconstitutional.

Section 9. This Act shall apply only in Jefferson County.

Approved August 7, 1951.

Time: 5:30 P. M.

Act No. 376

S. 466—High

AN ACT

To fix the salaries of certain county officers in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the preliminary count of the 1950 federal census or any subsequent federal census and in which the salaries of such officers may be fixed, regulated and altered by the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than eighty thousand nor more than ninety-four thousand inhabitants according to the preliminary count of the 1950 federal census or any subsequent federal census and in which the salaries of such officers may be fixed, regulated and altered by the Legislature.

Section 2. The following officers shall receive the following annual salaries in lieu of all other compensation:

- (a) Probate Judge—seventy-two hundred dollars
- (b) Sheriff—six thousand dollars
- (c) Tax Assessor—six thousand dollars
- (d) Tax Collector—six thousand dollars
- (e) Circuit Clerk—six thousand dollars
- (f) Register in Chancery—four thousand two hundred dollars.

Section 3. All fees, commissions, allowances, percentages, charges, and costs heretofore collected for the use of any of the officers enumerated in Section 2 of this Act shall be collected and paid into the general fund of the county.

Section 4. The compensation of the officers enumerated in Section 1 of this Act shall be paid in equal monthly installments as the salaries of other county officers and employees are paid.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 5:31 P. M.

Act No. 377

S. 485—Richardson

AN ACT

To impose extra, new, and additional duties upon the Superintendent of Education of Lawrence County, Alabama, and to provide additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the duties now imposed upon him by law, the Superintendent of Education of Lawrence County, Ala-

bama, shall perform the following extra, new, and additional duties:

(a) He shall begin immediately to administer the Veterans' Training Program in Lawrence County, Alabama.

(b) He shall begin immediately to administer and direct the school lunch program in Lawrence County, Alabama.

(c) He shall, at the direction of the Board of Education of Lawrence County, Alabama, attend all educational functions and meetings within and without Lawrence County, Alabama, which, in the judgment of said board, are designed to advance and promote the program of education in Lawrence County, or will train and better qualify him to administer and perform the duties of his office.

Section 2. For the performance of the extra, new, and additional duties hereby imposed upon him, the Superintendent of Education of Lawrence County shall receive the sum of six hundred dollars (\$600.00) per annum, which sum shall be in addition to any and all other compensation now allowed him under the provisions of any other law, whether general or local.

Section 3. All laws and parts of laws, general, special, or local, in conflict herewith are repealed.

Section 4. This Act shall become effective on the first day of the month following its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 7, 1951.

Time: 5:33 P. M.

Act No. 378

S. 486—High

AN ACT

Relating to St. Clair County; repealing an Act approved November 3, 1932 (Act No. 202, H. 416) entitled "An Act To provide for the election of three school trustees for each school in St. Clair County, Alabama, and to prescribe their authority and duties."

Be It Enacted by the Legislature of Alabama:

The Act approved November 3, 1932 (Act No. 202, H. 416) entitled "An Act To provide for the election of three school trustees for each school in St. Clair County, Alabama, and to prescribe their authority and duties," is hereby expressly repealed.

Approved August 7, 1951.

Time: 5:34 P. M.

AN ACT

Relating to the Court of Common Pleas of Elmore County; amending Sections 5, 8, 9, and 17 of the Act approved June 2, 1943 (No. 90, H. 374, Local Acts, 1943, p. 47) which created and established the Court of Common Pleas of Elmore County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5, 8, 9, and 17 of Act No. 90, H. 374, approved June 2, 1943 (Local Acts, 1943, p. 47), which Act created and established the Court of Common Pleas of Elmore County, are hereby amended to read as follows:

“Section 5. The judge of the Court of Common Pleas of Elmore County shall receive a salary of three thousand dollars (\$3,000) per annum, payable in equal monthly installments out of the general fund of the county, upon the warrant of the Probate Judge of Elmore County, which he is hereby authorized and directed to issue monthly. Such warrants shall be preferred claims against the general fund of Elmore County.

“Section 8. The deputy solicitor for Elmore County shall prosecute for the State all criminal cases in said court created by this Act. His entire compensation shall be a salary of two thousand four hundred dollars (\$2,400) per annum, to be paid out of the general fund of the county in equal monthly installments on the warrant of the probate judge. Such warrants shall be preferred claims against the general fund of Elmore County.

“Section 9. There shall be a Tallassee Division and a Wetumpka Division of the said court, and the said Tallassee Division shall include and be composed of the following beats or precincts in Elmore County, viz: Precinct 1, precinct 2, precinct 3, precinct 4, precinct 13 and precinct 19; and the said Wetumpka Division shall include and be composed of the following precincts in Elmore County, viz: Precinct 5, precinct 6, precinct 7, precinct 8, precinct 9, precinct 10, precinct 11, precinct 12, precinct 14, precinct 15, precinct 16, precinct 17 and precinct 18. The sessions of the said court of the said Tallassee Division shall be held at some place in the Town of Tallassee or in the police jurisdiction thereof, and the sessions of the said court of the said Wetumpka Division shall be held at the Court House in the Town of Wetumpka. The said court, at the discretion of the Judge, shall be open any day during the week, except Sunday, for the trial of cases coming within the jurisdiction of said court. Provided, further, that on the first and third Mondays of each month there shall be held a session of said court for the handling, trial and disposition of all cases therein pending, in the Wetumpka Division of Elmore County, Alabama, which shall continue as long as necessary to dispose of the docket; and that on the second and fourth Mondays of each month there shall be

held a session of said court for the handling, trial and disposition of all cases therein pending in the Tallasse Division of Elmore County, Alabama, which shall continue as long as necessary to dispose of the docket. But any session of said court in either of said divisions may be dispensed with, and continued, by the Judge, when, in the opinion and judgment of the Judge, the public good or public necessity requires the continuance of the same. Provided, further, that as to all civil and criminal actions of which the said court shall have jurisdiction, the venue of the acts shall be determined as if the two divisions of the county hereinabove provided for, each constituted a separate county, except that after any actions instituted in either division of the court, the Judge of the court shall have the power and authority to order the transfer or removal of any such action to the other division of the court for trial. All suits and actions on contract or in tort except as otherwise provided in this act must be brought in the division in which the defendant or one of them resides or in which the debt was created or cause of action arose.

"Section 17. In all civil actions in this court, the pleadings and process and the time for filing pleadings shall conform to and be governed by the statute and rules obtaining in the Circuit Court of Elmore County, Alabama, except that the issuance, levy and collection of executions from this Court shall be controlled by the laws now applicable to justice courts of this State, and the defendant shall have only ten days in which to plead, answer, or demur to a complaint filed against him."

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 5:35 P. M.

Act No. 380

S. 498—Thagard

AN ACT

Relating to Butler County; amending Section 7 of the Act approved May 23, 1951 (Act No. 27, H. 213, Regular Session, 1951) entitled "An Act To create and establish in Butler County, in lieu of the county court and the juvenile court, a court of record with county-wide jurisdiction of certain criminal cases and certain civil actions, causes, matters, proceedings, and cases; defining its jurisdiction and authority; providing it with officers and prescribing their duties and authority;

regulating its procedure; and fixing the costs and charges collectible therein"; making the amendment retroactive.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of the Act approved May 23, 1951 (Act No. 27, H. 213 Regular Session, 1951) entitled "An Act To create and establish in Butler County, in lieu of the county court and the juvenile court, a court of record with county-wide jurisdiction of certain criminal cases and certain civil actions, causes, matters, proceedings, and cases; defining its jurisdiction and authority; providing it with officers and prescribing their duties and authority; regulating its procedure; and fixing the costs and charges collectible therein" is amended to read as follows:

"Section 7. Costs. (a) For their attendance upon the sessions of the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the circuit courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulations as apply in the circuit courts. (b) In addition to the fees for witnesses, the court shall have authority to tax costs for the use of the officers of the court other than the judge, whose fees shall be paid to the county, as follows: 1) in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00), the same as in justice courts; 2) in every other civil action at law, the same as in the circuit court; 3) in each criminal case involving an offense of which justices of the peace have final jurisdiction, the same as in justice courts; 4) in every other criminal case, the same as in county courts. (c) A trial tax of one dollar (\$1.00) shall be collected for the use of the county in each civil action at law, if the sum in controversy does not exceed one hundred dollars (\$100.00). In every other civil action at law, and in every criminal case, a trial tax of three dollars (\$3.00) shall be collected for the use of the county. (d) No costs shall be taxed in juvenile cases."

Section 2. This Act is remedial and shall have retroactive effect.

Approved August 7, 1951.

Time: 5:36 P. M.

Act No. 381

S. 503—Skidmore

AN ACT

To alter, rearrange, and extend the boundary lines of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Tusca-

loosa, Tuscaloosa County, Alabama, be changed and extended to include the following separate territories:

Parcel I. Beginning at a point on the north margin of Hargrove Road where the line dividing Range 9 West and Range 10 West crosses said road; thence northwardly along said range line (which is the present City Limit line) to the northwest corner of the southwest quarter of Section 30, Township 21 South, Range 9 West; thence eastwardly along the north line of said southwest quarter of said Section 30 of the northeast corner of the northwest quarter of the southwest quarter of said Section 30; thence southwardly to the southeast corner of the southwest quarter of the southwest quarter of said Section 30; thence westwardly along the south line of said Section 30 a distance of seven hundred nine and two tenths (709.2) feet to a point; thence northwardly parallel to the west line of said Section 30 to a point on the north line of the Hargrove Road; thence westwardly along the north line of the Hargrove Road to the point of beginning.

Parcel II. All of the northeast quarter of the northwest quarter of Section 29, Township 21 South, Range 9 West.

Parcel III. All of the southwest quarter of the southeast quarter of Section 20, Township 21 South, Range 9 West.

Parcel IV. Beginning at a point where the south line of Eighth (8th) Street intersects the north and south center line through Section 21, Township 21 South, Range 10 West; thence northwardly along said north and south center line of said Section 21 which is the City Limit line to the low water line along the right bank of the Warrior River; thence southwestwardly along said low water line along said right bank of the Warrior River to the west line of the southeast quarter of the northwest quarter of said Section 21; thence southwardly along the west line of the southeast quarter of the northwest quarter and the west line of the northeast quarter of the southwest quarter of said Section 21 to the south line of Eighth (8th) Street; thence eastwardly along the south line of Eighth (8th) Street to the point of beginning.

Parcel V. Beginning at a point where the east line of Section 18, Township 21 South, Range 9 West intersects the Louisville and Nashville Railroad Company north right-of-way line; thence northwardly along the east line of said Section 18 to the northeast corner of the southeast quarter of said Section 18; thence westwardly to the northwest corner of the northeast quarter of the southeast quarter of said Section 18; thence southwardly along the west line of said northeast quarter of the southeast quarter of said Section 18 to a point on the Louisville and Nashville Railroad Company north right-of-way line; thence westwardly along said Louisville and Nashville Railroad Company north right-of-way line to a point on the east line of the Warrior

Southern Branch of the Gulf, Mobile and Ohio Railroad Company right-of-way which is the present City Limit line; thence southwardly along said east line of the Warrior Southern Branch of the Gulf, Mobile and Ohio Railroad Company right-of-way to the east line of the northwest quarter of the northeast quarter of Section 19, Township 21 South, Range 9 West; thence northwardly along said east line of said northwest quarter of the northeast quarter of said Section 19 to the south line of said Section 18; thence eastwardly along the south line of said Section 18 to the southeast corner of said Section 18; thence northwardly along the east line of said Section 18 to the point of beginning.

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 5:37 P. M.

Act No. 382

S. 510—Robison

AN ACT

To vacate and abandon that certain Park in the Plat of Highland Park in the City of Montgomery, County of Montgomery, State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1: That certain park in the City of Montgomery, Alabama, hereinafter described be and the same is hereby vacated and abandoned as a park, namely:

That certain Park shown as Block B, Section 7, Highland Park, as shown by Plat recorded in Plat Book 1, page 3, in the office of the Judge of Probate of Montgomery County, Alabama.

Said Block B, as recorded is bordered on the East by Magnolia Street, on the North by Elm Street, on the West by Olive Street and on the South by Park Place.

Section 2: All rights of the City of Montgomery and of the public generally in and to the said Park are hereby relinquished and surrendered.

Section 3: Be it further enacted that all laws and parts of law in conflict with this Act be, and the same are hereby repealed.

Approved August 7, 1951.

Time: 5:38 P. M.

Act No. 383

S. J. R. 54—McCary

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House of Representatives concurring, that Senate Bill 166, having passed both Houses, shall be known as the Wright, Boutwell, Miller, Kendall, Russell, Harrison (Shelby), and Summerlin Bill.

Approved August 7, 1951.

Time: 5:39 P. M.

Act No. 384

S. J. R. 57—Wright

SENATE JOINT RESOLUTION

Be it resolved by the Senate, the House of Representatives Concurring, That S. B. 166 which has passed both Houses be designated and known as "The Wright-Boutwell-Farmer-Richardson-Miller-Dawkins-Russell-Harrison (Shelby)-Summerlin Bill."

Approved August 7, 1951.

Time: 5:40 P. M.

Act No. 385

S. 419—Johnston (Mobile)

AN ACT

To amend Section 55 of Title 17 of the 1940 Code of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 55 of Title 17 of the 1940 Code of Alabama is hereby amended to read:

Section 55. (402) CLERICAL ASSISTANTS TO MAKE INSPECTORS' LIST.—The judge of probate may employ such assistants and clerical help as may be necessary to complete and properly prepare the list of qualified electors which the judge of probate is required to furnish the election inspectors. Such assistants shall be paid out of the county treasury by warrants, drawn by the commissioners court, board of revenue, or other governing body, on certificate of the probate judge, accompanied by the certificates of the person being paid, showing the amount is due under the provisions of this article; but the entire amount spent for such assistants and clerical help shall not exceed a sum equal to the amount obtained by multiplying the number of names on said list by five cents. The judge of probate in all counties having a population of not less than one hundred thousand and nor more than three hundred fifty thousand, according to the last or any subsequent federal census, is hereby authorized and directed to employ a clerk to assist the board of registrars of said county. The duties of said clerk shall be to submit to the

board of registrars, revised election lists of said county by placing all persons in their proper ward or precincts and eliminating therefrom all deceased, non-resident and fictitious persons named upon said roll and those convicted of crime, and shall further attend to all clerical work of the board of registrars. Such clerk shall be paid a compensation, out of the county treasury, of not more than two hundred and fifty dollars per month, to be fixed by the judge of probate.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 7, 1951.

Time: 5:41 P. M.

Act No. 386

H. 262—Russell, Harrison (Shelby), White (Covington), Shelton, Baker, Martin, Dawkins, Morgan (Jefferson), Pfleger, Kendall

AN ACT

To make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, and for the interest on the Public Debt, and for the Public Schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the State, for the interest on the Public Debt, and for the Public Schools for each of the two fiscal years ending respectively September 30, 1952, and September 30, 1953, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor.

FROM THE GENERAL FUND

1. EXECUTIVE:

THE GOVERNOR'S OFFICE:

For the salary of the Governor.....\$	12,000.00	
For the salary of the Legal Counsel.....	9,000.00	
For other salaries.....	42,040.00	
For other expenses.....	5,000.00	
Total		68,040.00
For the Governor's Emergency Fund.....		95,000.00

(This is the appropriation contemplated in Section 105, Title 55 of the 1940 Code of Alabama and shall be the only amount appropriated and the total amount expended under the provisions of said section.)

For the Mansion Fund.....	20,000.00
For the Division of Records and Reports:	
For salaries.....	10,120.00
For other expenses.....	7,500.00
Total	17,620.00

II. LEGISLATIVE:

For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses for the fiscal year ending September 30, 1952, and for the salaries and expenses of the Legislature for extraordinary sessions	100,000.00
For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for any expenses for any Legislative sessions for the fiscal year ending September 30, 1953.....	550,000.00
For printing of Legislative Acts and Journals for the fiscal year ending September 30, 1952, estimated	60,000.00
For the Legislative Contingent Fund.....	1,000.00

III. JUDICIAL:

(1) THE SUPREME COURT:

For the salaries of the Chief Justice and six Associate Justices.....	66,500.00
For the salary of the Clerk of the Court	4,500.00
For the salary of the Court Reporter...	4,800.00
For other salaries.....	32,540.00
For other expenses.....	10,500.00
For equipment purchases.....	2,400.00
Total	121,240.00
For the Supreme Court Library Fund.....	10,000.00
For the salary of Supernumerary Judges, estimated	20,000.00

(2) THE COURT OF APPEALS:

For salaries of the three judges.....	27,000.00	
For other salaries.....	13,740.00	
For other expenses.....	3,734.50	
Total		44,474.50

(3) THE CIRCUIT COURTS:

For the salaries of the fifty-one judges of the Circuit Courts		382,500.00
For travel expenses of Circuit Judges		7,500.00
For the salaries and travel expenses of special judges, estimated		3,000.00
For salaries of twenty-eight Circuit Solicitors	168,000.00	
For salary of the elected Deputy Circuit Solicitor of the Bessemer Division of the 10th Judicial Circuit.....	6,000.00	
For the salary of the Appointed Assistant Deputy Solicitor of the Bessemer Division of the 10th Judicial Circuit	3,600.00	
For the salary of the 1st, 2nd, and 3rd Deputy Solicitor of the Birmingham Division of the 10th Judicial Circuit; \$4,200.00 each.....	12,600.00	
For the salaries of the Deputy Circuit Solicitors of the 13th Judicial Circuit	5,400.00	
For the salary of the Deputy Circuit Solicitor of the 15th Judicial Circuit	4,200.00	
Total		199,800.00
For the Travel Expenses of Circuit Solicitors.....		6,000.00
For Telephone Service, Stationery, Stamps, and necessary equipment for the office use of Circuit Solicitors, Deputy Circuit Solicitors or Assistants		10,000.00
For salary of Supernumerary Circuit Solicitors.....		4,000.00

(4) COURT REPORTERS:

For the compensation of the Thirty-five Circuit Court Reporters, 1947 Acts, page 289.....	42,000.00
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IV. CONSTITUTIONAL OFFICES:**(1) OFFICE OF THE ATTORNEY GENERAL:**

For the fiscal year ending September 30, 1952:	
For the salary of the Attorney General	7,500.00
For other salaries.....	103,400.00

For other expenses.....	11,000.00	
For equipment purchases.....	2,000.00	
Total		123,900.00

For the fiscal year ending September
30, 1953:

For the salary of the Attorney General.....	7,500.00	
For other salaries.....	103,400.00	
For other expenses.....	11,000.00	
For equipment purchases.....	500.00	
Total		122,400.00

(2) OFFICE OF THE STATE AUDITOR:

For the salary of the State Auditor.....	6,000.00	
For other salaries.....	22,480.00	
For other expenses.....	1,300.00	
For equipment purchases.....	150.00	
Total		29,930.00

(3) OFFICE OF THE SECRETARY OF STATE:

For the salary of the Secretary of State.....	6,000.00	
For other salaries.....	15,300.00	
For other expenses.....	2,700.00	
For equipment purchases.....	500.00	
Total		24,500.00

(4) OFFICE OF STATE TREASURER:

For the Fiscal Year Ending September
30, 1952:

For the salary of State Treasurer.....	6,000.00	
For other salaries.....	47,140.00	
For other expenses and compensation of fiscal agents	10,350.00	
Total		63,490.00

For the Fiscal Year ending September
30, 1953:

For the salary of State Treasurer.....	6,000.00	
For other salaries.....	47,340.00	
For other expenses and compensation of fiscal agents.....	10,350.00	
Total		63,690.00

V. DEPARTMENTS, BOARDS, BUREAUS,
AGENCIES AND COMMISSIONS:

(1) DEPARTMENT OF ARCHIVES
AND HISTORY:

For the Fiscal Year ending September
30, 1952:

For the salary of the Director.....	4,200.00	
For other salaries.....	39,420.00	
For other expenses.....	8,000.00	
For equipment purchases.....	500.00	
For expenses of Publication of the Ala- bama Historical Quarterly.....	2,000.00	
For Printing of Statistical Register.....	5,000.00	
Total		59,120.00

For the Fiscal Year ending September
30, 1953:

For the salary of the Director.....	4,200.00	
For other salaries.....	39,420.00	
For other expenses.....	8,000.00	
For equipment purchases.....	500.00	
For expenses of Publication of the Ala- bama Historical Quarterly.....	2,000.00	
Total		54,120.00

(1-A) PUBLIC LIBRARY SERVICE
DIVISION:

For salaries	25,360.00	
For other expenses.....	9,740.00	
For books and pamphlets.....	67,000.00	
For equipment purchases.....	5,900.00	
Total		108,000.00

(2) DEPARTMENT OF CIVIL DEFENSE:

For salaries and expenses	25,000.00
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(3) DEPARTMENT OF COMMERCE:

For the salary of the Director.....	7,500.00	
For other salaries.....	52,680.00	
For other expenses.....	22,727.00	
Total		82,907.00

(3½) DEPARTMENT OF INSURANCE:

For the Fiscal Year ending September
30, 1952:

For the salary of the Director.....	7,500.00
For other salaries.....	53,020.00
For other expenses.....	28,480.00
For equipment purchases.....	7,417.00

Total	96,417.00
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For the Fiscal Year ending September
30, 1953:

For the salary of the Director.....	7,500.00
For other salaries.....	54,580.00
For other expenses.....	29,920.00
For equipment purchases.....	4,417.00

Total	96,417.00
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(4) DEPARTMENT OF EXAMINER OF
PUBLIC ACCOUNTS:

For the Fiscal Year ending September
30, 1952:

For salaries.....	330,880.00
For other expenses.....	169,120.00

Total	500,000.00
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For the Fiscal Year ending September
30, 1953:

For salaries.....	330,880.00
For other expenses.....	169,120.00
For equipment purchases.....	5,000.00

Total	505,000.00
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(5) DEPARTMENT OF FINANCE:

Director's Office:

For the Fiscal Year ending September
30, 1952:

For salary of the Director.....	10,000.00
For other salaries.....	14,100.00
For other expenses.....	5,875.00

Total	29,975.00
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For the Fiscal Year ending September
30, 1953:

For salary of the Director.....	10,000.00
For other salaries.....	14,100.00
For other expenses.....	5,875.00
For equipment purchases.....	2,300.00

Total	32,275.00
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Division of the Budget:

For salaries	25,920.00	
For other expenses	5,000.00	
For equipment purchases	500.00	
Total		31,420.00

Division of Control and Accounts:

For salaries	84,960.00	
For other expenses	32,250.00	
For equipment purchases	3,500.00	
Total		120,710.00

Division of Service:

For salaries	120,000.00	
For other expenses	103,700.00	
For additions and betterments	5,000.00	
For equipment purchases	2,500.00	
Total		231,200.00

Division of Purchases and Stores:

For salaries	57,720.00	
For other expenses	9,000.00	
For equipment purchases	500.00	
Total		67,220.00

Division Legal:

For salaries	10,560.00	
For other expenses	2,420.00	
Total		12,980.00

For office equipment in the State offices for the Executive, Administrative and Judicial Departments

For the Fiscal Year ending September 30, 1952:

Total

For the Fiscal Year ending September 30, 1953:

Total

(6) DEPARTMENT OF HEALTH:

For General Health Work:

For the salary of the State Health Officer	7,500.00	
For other salaries	336,500.00	
For other expenses	70,300.00	
For equipment purchases	1,000.00	
For transfer to State Personnel Department	4,700.00	

Total

For contributions to County Health Units

340,000.00

For subsidy to counties for treatment of Tuberculosis	375,000.00	
For study and treatment of Cancer.....	110,000.00	
For Tuberculosis Testing, (1947 Acts, P. 105):		
For salaries	32,200.00	
For other expenses.....	35,000.00	
For equipment purchases.....	300.00	
	<u>67,500.00</u>	
For the Administration of Tuberculosis Hospitals:		
For salaries	12,000.00	
For other expenses.....	10,500.00	
Total	<u>22,500.00</u>	
For Hospital Planning (1945 Act No. 330, as amended):		
For salaries	18,000.00	
For other expenses.....	4,500.00	
	<u>22,500.00</u>	
For Pollution Control (1947 Acts, P. 379):		
For salaries	5,400.00	
For other expenses.....	10,400.00	
For equipment purchases.....	4,200.00	
	<u>20,000.00</u>	
For Mental Hygiene:		
For salaries	12,500.00	
Total		1,390,000.00
(7) DEPARTMENT OF INDUSTRIAL RELATIONS:		
For salaries	91,560.00	
For other expenses.....	29,200.00	
For equipment purchases.....	240.00	
Total		121,000.00
(8) DEPARTMENT OF REVENUE:		
For Transfer to Department of Revenue, for salaries, operation and maintenance expense	10,000.00	
For expenses incident to Equalization Boards	118,000.00	
Total		128,000.00
(9) MILITARY DEPARTMENT:		
For the salary of the Adjutant General	7,500.00	
For other salaries	84,475.00	
For other expenses.....	20,000.00	
For equipment purchases.....	500.00	
For Quarterly Allowances.....	75,000.00	

For active duty in Military Service and for expenses incident to such Active Military Service	25,000.00	
For transfer to the Armory Commis- sion Fund for care and maintenance of armories	87,525.00	
Total		300,000.00

(10) PERSONNEL DEPARTMENT:

For transfer to the Personnel Department Fund.....		8,830.00
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(11) STATE BOARD OF ADJUSTMENT:

For salaries	3,180.00	
For other expenses	120.00	
For awards by the Board payable from General Fund for the General Fund Contribution to the total expendi- ture of \$50,000.00, pursuant to Title 55, Section 343	10,000.00	
Total		13,300.00

(12) ALABAMA STATE PLANNING BOARD:

For the salary of the Director	7,500.00	
For other salaries	71,500.00	
For other expenses	24,000.00	
For equipment purchases	2,000.00	
Total		105,000.00

(13) STATE TOXICOLOGIST:

For the salary of the State Toxicologist	4,000.00	
For other salaries	34,300.00	
For other expenses	13,800.00	
For equipment purchases	3,500.00	
Total		55,600.00

(14) STATE LABOR DEPARTMENT:

For the salary of the Director	7,500.00	
For other salaries	26,170.00	
For other expenses	9,830.00	
Total		43,500.00

(15) LEGISLATIVE REFERENCE
SERVICE:

For the salary of the Director	7,500.00	
For other salaries	29,740.00	
For other expenses	3,600.00	
For equipment purchases	160.00	
Total		41,000.00
For Legislative Council		2,250.00

(16) DEPARTMENT OF VETERANS
AFFAIRS:

For salary of Service Commissioner.....	5,700.00	
For other salaries.....	314,300.00	
For other expenses.....	32,000.00	
For equipment purchases.....	1,000.00	
For contract with Veterans of Foreign Wars Organization	16,000.00	
For contract with Disabled American Veterans Organization	4,000.00	
Total		373,000.00

(17) EMPLOYEES' RETIREMENT
SYSTEM:

For the Fiscal Year ending September 30, 1952:		
For salaries	14,620.00	
For other expenses.....	5,985.00	
For equipment purchases.....	500.00	
For matching employees' normal contri- butions and for accrued liability.....	452,451.64	
Total		473,556.64
For the Fiscal Year ending September 30, 1953:		
For salaries	14,620.00	
For other expenses.....	5,985.00	
For equipment purchases.....	500.00	
For matching employees' normal contri- butions and for accrued liability.....	484,421.00	
Total		505,526.00

(17-A) EMPLOYEES' SPECIAL PENSION FUND 40,000.00

(18) STATE SECURITIES COMMIS-
SION:

For salaries	10,260.00	
For other expenses.....	740.00	
Total		11,000.00

(19) SOCIAL SECURITY:

ADMINISTRATIVE:

For salaries	3,600.00	
For other expenses.....	3,500.00	
For equipment purchases.....	400.00	
	<u>7,500.00</u>	

Contributions:

For matching employees' contributions	7,500.00	
Total		15,000.00

VI. DEVELOPMENT AND CONSERVATION OF NATURAL RESOURCES:

(1) DEPARTMENT OF CONSERVATION:

For transfer to Department of Conservation:

State Parks Fund:

For salaries and other expenses incident to the operation and maintenance of State Parks, and the Division of State Parks, Monuments and Historical Sites, and for administration of Department of Conservation.....	75,000.00	
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Forestry Fund:

For salaries and other expenses incident to the operation of the Division of Forestry; and for administration of Department of Conservation	100,000.00	
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State Lands Fund:

For salaries and other expenses incident to the operation of the Division of State Lands; and for administration of Department of Conservation.....	25,000.00	
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Total		200,000.00
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(The above appropriations to the Department of Conservation are in addition to other appropriations herein provided.)

(2) GEOLOGICAL SURVEY:

For the salary of the State Geologist.....	4,800.00	
For other salaries	34,920.00	
For other expenses.....	21,770.00	
For equipment purchases.....	3,000.00	
For matching federal funds for the investigation of the surface water resources of the State.....	21,000.00	
For matching federal funds for the investigation of the ground water resources of the State.....	16,000.00	
For additions and betterments.....	6,500.00	
Total		107,990.00

(3) STATE SOIL CONSERVATION
COMMITTEE:

For salaries	1,260.00	
For other expenses	3,240.00	
Total		4,500.00

VII. EDUCATION:

(1) INTEREST ON ENDOWMENTS:

For interest on Alabama College endowment, estimated		39,048.28
For interest on Alabama Polytechnic Institute endowment		20,280.00
For interest on University of Alabama endowment		61,000.00
For interest on Grove Hill endowment		600.00
For interest on Public School Fund endowments:		
Interest on 16th Section Lands, estimated	160,635.81	
Interest on School Indemnity Lands, estimated	26,500.00	
Interest on Valueless 16th Section Lands	5,825.47	
Interest on Surplus Revenue	26,763.47	
Interest on James Wallace Fund	275.25	
Total Estimated		220,000.00

(2) ALABAMA SPECIAL EDUCATIONAL TRUST
FUND

1,000,000.00

VIII. CHARITIES, HOSPITALS, AND
CORRECTIONS:(1) For the administration, operation,
and maintenance of the convict sys-
tem and for the payment of criminal
court costs. (This appropriation is
in addition to other appropriations
herein provided,

for the fiscal year ending September 30, 1952	400,000.00
For the fiscal year ending September 30, 1953	525,000.00
For Buildings at Atmore Prison for the fiscal year ending September 30, 1952	400,000.00

(2) DEPARTMENT OF PUBLIC WEL-
FARE:

For salaries and expenses for juvenile wards, for public welfare, for old age assistance, and for social se- curity	617,985.00
For additional old age assistance	675,415.80

For the Department of Public Welfare 2,160,000.00

For the sixty-seven counties of the State
to be used for public welfare in co-
operation with the State Depart-
ment of Public Welfare or the Fed-
eral Government 1,440,000.00

(One-half of the above appropriations to the coun-
ties shall be distributed proportionately among
the sixty-seven counties of the State according to
the population of the said counties as shown by
the last Federal census; and one-half of the ap-
propriation shall be divided and distributed
equally among the sixty-seven counties of the
State. In the event House Bills 544, 545, 546 and
547 are enacted and become law, this appropria-
tion shall be for the State Department of Public
Welfare.) 4,893,400.80

(The above appropriations for the Department of
Public Welfare are in addition to other appropria-
tions herein set out.)

(3) ALABAMA BOYS INDUSTRIAL SCHOOL:

For the maintenance, support, insurance and up-
keep of the Alabama Boys Industrial School, an
amount to be drawn quarterly in advance by the
Treasurer of the Alabama Boys Industrial
School, and to be distributed as directed by the
Board of Trustees..... 179,500.00

(Any balance from the above appropriation to the Alabama
Boys Industrial School at the end of any fiscal year shall remain
in the hands of the Treasurer of said Institution and shall not
revert to the State Treasury.)

(4) ALABAMA INDUSTRIAL SCHOOL FOR NE- GROES:

For maintenance, support, insurance and upkeep
of the Alabama Industrial School for Negroes, an
annual amount to be drawn quarterly in advance
by the Treasurer of the Alabama Industrial
School for Negroes and to be disbursed as direct-
ed by the Board of Trustees..... 100,000.00

(Any balance from the above appropriations to the Alabama
Industrial School for Negroes at the end of any fiscal year shall
remain in the hands of the Treasurer of said institution and shall
not revert to the State Treasury.)

(5) ALABAMA INSANE HOSPITALS:

For the support, maintenance and repair of Alabama Insane Hospitals, an amount to be fixed by the Governor at not less than \$6.00 per week nor more than \$11.00 per week for each patient,	
For the fiscal year ending September 30, 1952, estimated	3,880,448.00
For the fiscal year ending September 30, 1953, estimated	4,113,252.00

(6) PARTLOW STATE SCHOOL FOR MENTAL DEFICIENTS:

For the support, maintenance and repair of the Partlow State School for Mental Deficients, an amount to be fixed by the Governor at not less than \$6.00 per week nor more than \$10.00 per week for each patient,	
For the fiscal year ending September 30, 1952, estimated	707,200.00
For the fiscal year ending September 30, 1953, estimated	749,840.00

(The above appropriations to the Alabama Insane Hospitals and the Partlow State School for Mental Deficients shall be payable and are to be disbursed as provided in Title 45, Sections 189 to 230, inclusive, of the 1940 Code of Alabama and shall continue and the unexpended balances thereof shall not revert to the State Treasury at the end of any fiscal year.)

(7) STATE TRAINING SCHOOL FOR GIRLS:

For the maintenance, support, insurance and upkeep of the State Training School for Girls, an amount to be drawn quarterly in advance by the Treasurer of the Board of the State Training School for Girls and to be disbursed as directed by said Board	87,000.00
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(The appropriation herein made to the State Training School for Girls shall be payable and is to be disbursed as provided in Title 45, Sections 231 and 252, inclusive, of the 1940 Code of Alabama and shall continue and the unexpended balance thereof shall not revert to the State Treasury at the end of any fiscal year.)

(8) REMOVAL OF PRISONERS:

For expenses incident to removal of prisoners, estimated	15,000.00
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(9) FEEDING OF PRISONERS:

For expenses of feeding prisoners in county jails, estimated	350,000.00
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(10) ARREST OF ABSCONDING FELONS:

For expenses incident to the arrest of absconding felons, estimated	500.00
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(11) BOARD OF PARDONS AND PAROLES:

For the fiscal year ending September 30, 1952:

For salaries of board members.....	22,500.00	
For other salaries.....	163,000.00	
For other expenses.....	35,000.00	
For equipment purchases.....	5,000.00	
Total		225,500.00

For the fiscal year ending September 30, 1953:

For salaries of Board members.....	22,500.00	
For other salaries.....	167,000.00	
For other expenses.....	35,000.00	
For equipment purchases.....	1,000.00	
Total		225,500.00

IX. DEBT SERVICE:

(1) For interest on Class A. Renewal and Class C. Renewal and Funding Renewal bonds.....	319,290.00
(2) For Hospital Construction Bond Sinking Fund for the fiscal year ending September 30, 1952.....	211,598.00
(3) For Hospital Construction Bond Sinking Fund for the fiscal year ending September 30, 1953.....	211,294.00
(4) For interest on Spanish American War Veterans Fund, estimated	294.86

X. MISCELLANEOUS:

(1) Automatic Appeal Expense as provided in 1943 Acts of Legislature, page 217, estimated.....	5,400.00
(2) For Spanish War Veterans Encampment, For the fiscal year ending September 30, 1952.....	2,000.00
(3) For Spanish War Veterans Encampment, for the fiscal year ending September 30, 1953.....	1,000.00
(4) For advertising lands for tax sale, estimated.....	900.00
(5) For civil court costs in connection with ad valorem tax assessment appeals, estimated.....	100.00
(6) For mailing tax notices, estimated.....	3,500.00
(7) For registration of voters, estimated for the fiscal year ending September 30, 1952.....	125,000.00
For the fiscal year ending September 30, 1953.....	90,000.00
(8) For expense of Governor's Proclamations, estimated	13,500.00
(9) For distribution of public documents, estimated	900.00

(10) First White House of the Confederacy, for salaries and other expenses.....	2,340.00
(11) Temporary Clerk Fund.....	25,000.00
(Maximum expenditure pursuant to Title 55, Section 175, Code of Alabama 1940, as amended)	
(12) Rental of State Offices.....	22,500.00
(Maximum expenditure pursuant to Title 41, Section 30, Code of Alabama 1940, as amended)	
(13) Purchase Code Pocket Supplement for the fiscal year ending September 30, 1952, estimated.....	20,000.00
(14) For payment of attorneys fees in indigent capital cases (as provided in Act No. 176, 1947 Acts, Page 61)	22,500.00
(15) For printing of State and County Privilege Licenses, estimated	6,000.00
(16) Building Commission: To provide for the expenditures authorized by S. B. No. 41, 1951 Legislature.....	50,000.00
(17) Cahaba Memorial Board: To provide for the expenditures authorized by Act No. 486, 1943 Acts, page 449.....	500.00
(18) Gorgas Memorial Board: To provide for the expenditures authorized by Act No. 417, 1943 Acts, page 383.....	2,500.00
(19) LaGrange Historical Board: To provide for the expenditures authorized by Act No. 551, 1943 Acts, page 540.....	500.00
(20) Richmond Pearson Hobson Memorial Board: To provide for the expenditure authorized by Act No. 536, 1943 Acts, page 510.....	2,500.00
(21) For Hog Cholera Serum: To provide for the purchase and distribution, payment of salaries and other expenses authorized by Act No. 370, 1947 Acts, page 257.....	100,000.00
(22) For Bang's Disease Control: To provide for the purchase and distribution of vaccine, payment of salaries and other expenses authorized by Act No. 410, 1947 Acts, Page 298.....	90,000.00

FROM FUNDS OTHER THAN GENERAL FUND

XI. ALCOHOLIC BEVERAGE CONTROL BOARD:

A. ADMINISTRATIVE AND STORES DIVISION:

For salary of Administrator.....	7,500.00
For other salaries	1,574,520.00

For other expenses (transportation costs for merchandise excluded)	304,250.00	
For equipment purchases	12,500.00	
For additions and betterments	14,500.00	
For transfer to State Personnel Department	8,000.00	
For transportation costs on merchandise, estimated	165,000.00	
Total Estimated		2,086,270.00

In addition to the above appropriation herein made there is hereby appropriated for each additional retail store put into operation during each fiscal year, an amount equal to the sum required to install the last comparable retail store put into operation by said Board. Provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized, such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

B. LAW ENFORCEMENT DIVISION:

For the fiscal year ending September

30, 1952:

For salaries	294,600.00	
For other expenses	150,740.00	
For equipment purchases	54,560.00	
For additions and betterments	100.00	
Total		500,000.00

For the fiscal year ending September

30, 1953:

For salaries	294,600.00	
For other expenses	205,100.00	
For equipment purchases	200.00	
For additions and betterments	100.00	
Total		500,000.00

C. COMMISSION ON EDUCATION WITH RESPECT TO ALCOHOLISM:

For salaries	3,840.00	
For other expenses	2,160.00	
Total		6,000.00

(The appropriations hereinabove made to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.)

D. BEER TAX AND LICENSE DIVISION:

For salaries	108,480.00	
For other expenses	72,950.00	
For equipment purchases	500.00	
Total		181,930.00

(The appropriation hereinabove made to the Alcoholic Beverage Control Board shall be paid out of the gross proceeds from the licenses, permits, and tax on malt beverages.)

XII. AERONAUTICS DEPARTMENT:

For salary of the Director	5,700.00	
For other salaries	28,175.00	
For other expenses	9,409.00	
Total		43,284.00
For State Aid for Airports—for Airports and air-marking		58,233.00

The above appropriations shall be paid out of the receipts to the State Airports Development Fund as provided in Act No. 402, approved July 9, 1945, and the amounts appropriated herein shall be the maximum expenditures pursuant thereto.

XIII. AGRICULTURE AND INDUSTRIES:

A. ADMINISTRATIVE OPERATIONS:

For salary of Commissioner	4,800.00	
For other salaries	525,200.00	
For other expenses	244,800.00	
For equipment purchases	49,200.00	
For awarding prizes and premiums at Livestock Shows and Fairs	35,000.00	

(To be expended in accordance with H. B. No. 81, 1951 Legislature)

For transfer to State Personnel Department	2,600.00	
Total		861,600.00

B. TRANSFER OF FUNDS FROM AGRICULTURAL FUND:

1. Transfer to Agricultural Center Board Fund	20,000.00	
2. Transfer to Agricultural Center Board for operation of Livestock Coliseum, Montgomery, Alabama	25,000.00	

3. Transfer to Shipping Point Inspection	15,000.00	
Total		60,000.00

The above appropriations are to be allocated and expended pursuant to the limitations herein authorized in C, D, and E. The above appropriations under Item XIII are payable from funds in the Agricultural fund and shall be the maximum amounts expended therefrom.

C. AGRICULTURAL CENTER BOARD:

For salaries	13,600.00	
For other expenses	6,200.00	
For equipment purchases	200.00	
Total		20,000.00

D. LIVESTOCK COLISEUM:

For salaries, maintenance, equipment purchases and upkeep incident to the operation of the Livestock Coliseum at Montgomery, Alabama	25,000.00	
Total		25,000.00

In addition to the above appropriation, there is also hereby appropriated for the above purposes all moneys in the Agricultural Center Fund (Act No. 282, Acts of 1945, page 447.)

E. SHIPPING POINT INSPECTION:

For payment of expenses and salaries incident to operation of Shipping Point Inspection of the Department of Agriculture and Industries	15,000.00	
Total		15,000.00

In addition to the above appropriation, there is also hereby appropriated for Shipping Point Inspection, all fees and charges collected by the Commissioner of Agriculture and Industries under provisions of Title 2, Chapter 1, Article 25, Code of Alabama 1940, pursuant to an agreement with the U. S. Department of Agriculture whereby cooperative Federal-State shipping point and terminal market inspection services for grading and classification of agricultural commodities are performed.

XIV. ALABAMA REAL ESTATE COMMISSION:

For the fiscal year ending September 30, 1952:		
For salaries	12,700.00	

For other expenses.....	12,000.00	
For equipment purchases.....	300.00	
Total		25,000.00
For the fiscal year ending September 30, 1953:		
For salaries.....	13,200.00	
For other expenses.....	11,500.00	
For equipment purchases.....	300.00	
Total		25,000.00

The above appropriation shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Section 300, of the 1940 Code of Alabama, and the amounts appropriated herein shall be the maximum expenditure pursuant thereto.

XV. ALABAMA PUBLIC SERVICE COMMISSION:

For salary of President and Two Associate Commissioners.....	21,300.00	
For other salaries.....	90,000.00	
For other expenses.....	43,200.00	
For equipment purchases.....	5,500.00	
Total		160,000.00

The above appropriation to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carriers or motor transportation companies as are now or may be set aside by law to be used by the Commission; but if said fees and taxes do not equal the total amount of \$160,000 there shall not be paid out of the General Fund of the State any amount, but the appropriation for all said salaries and expenses of the Commission and its employees in such event shall be limited to the total amount of all said fees and taxes assigned to the Commission's said appropriation. In consideration of the fact that the inspection and supervision fees of utilities and transportation companies, constituting the greater part of the funds made available for the salaries and expenses of the Commission and its employees, are payable on the calendar year basis and are payable February First of each year, the State Treasurer shall hold in the State Treasury at the end of each fiscal year on September 30th as much as \$50,000.00 or such part of said sum of \$50,000.00 out of such fees and taxes assigned to this appropriation for the Commission, as may then be on hand, and the same shall be paid out by the State Treasurer as provided by law for all such salaries and expenses of the Commission and its employees during the months of October, November, December, and January. Upon the close of business at the end of each fiscal year of the State, if

the balance of the amount of such fees and taxes assigned to provide such appropriation for the Commission, then on hand in the State Treasury, exceeds said sum of \$50,000.00 such excess shall then be covered into the State Treasury to the credit of the General Fund.

XVI. DEPARTMENT OF CON- SERVATION:

A. GAME, FISH AND SEAFOOD DI- VISION:

For the fiscal year ending September
30, 1952:

1. Game and Fish Section:

For salaries.....	379,680.00
For other expenses.....	274,550.00
For equipment purchases.....	60,500.00
For additions and betterments.....	34,000.00
For transfer to Administrative Ac- count	93,200.00

Total	841,930.00
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2. Seafood Section:

For salaries.....	41,550.00
For other expenses.....	27,450.00
For equipment purchases.....	14,500.00
For additions and betterments.....	100,000.00
For transfer to Administrative Ac- count	17,180.00

Total	200,680.00
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For the fiscal year ending September
30, 1953:

1. Game and Fish Section:

For salaries.....	392,790.00
For other expenses.....	274,550.00
For equipment purchases.....	65,500.00
For additions and betterments.....	34,000.00
For transfer to Administrative Ac- count	93,877.00

Total	860,717.00
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2. Seafood Section:

For salaries.....	42,300.00
For other expenses.....	27,450.00
For equipment purchases.....	9,500.00
For additions and betterments.....	100,000.00

For transfer to Administrative Account	17,306.00	
Total		196,556.00

The funds hereinabove appropriated to the Game, Fish and Seafood Divisions shall be paid out of the Game, Fish and Seafood Fund.

B. STATE FORESTRY DIVISION:

For the fiscal year ending September 30, 1952:		
For salaries	792,234.00	
For other expenses and equipment purchases	358,166.00	
For additions and betterments	20,000.00	
For transfer to Administrative Account	42,900.00	
Total		1,213,300.00
For the fiscal year ending September 30, 1953:		
For salaries	830,244.00	
For other expenses and equipment purchases	377,550.00	
For additions and betterments	20,000.00	
For transfer to Administrative Account	43,265.00	
Total		1,271,059.00

The funds hereinabove appropriated to the State Forestry Division shall be paid out of the State Forestry Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item VI (1) in this Act. In the event of an emergency, so determined by the Director of Conservation and the Governor, the Director of Conservation with the approval of the Governor, is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Division of Forestry.

C. STATE PARKS DIVISION:

For salaries	90,000.00	
For other expenses	74,000.00	
For equipment purchases	3,260.00	
For additions and betterments	2,000.00	
For transfer to Administrative Account	14,740.00	
Total		184,000.00

The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund and the appro-

priation hereinabove made includes the appropriation made to the said fund as provided in Item VI (1) in this Act.

D. STATE LANDS DIVISION:

For salaries.....	16,760.00
For other expenses.....	9,660.00
For transfer to Administrative Account	3,580.00

Total 30,000.00

The funds hereinabove appropriated to the State Lands Division shall be paid out of State Lands Division Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item VI in this Act.

E. ADMINISTRATIVE ACCOUNT:

For the fiscal year ending September 30, 1952:

For the salary of the Director.....	10,000.00
For other salaries.....	102,060.00
For other expenses.....	44,050.00
For equipment purchases.....	7,390.00
For transfer to the State Personnel Department	8,100.00

Total 171,600.00

For the fiscal year ending September 30, 1953:

For the salary of the Director.....	10,000.00
For other salaries.....	103,960.00
For other expenses.....	44,050.00
For equipment purchases.....	6,950.00
For transfer to the State Personnel Department	8,100.00

Total 173,060.00

XVII. DEPARTMENT OF PUBLIC WELFARE:

For the salary of the Commissioner, \$7,500.00; for transfer to the State Personnel Department, \$1,800.00; for other salaries and expenses incident to operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated, in addition to the amounts set out in Item VIII (2) all federal, county and municipal funds made available therefor.

For the State Department of Public Welfare for old age assistance purposes, out of the proceeds from the levy of the one mill tax for the relief of needy Confederate veterans and their wives, all the surplus or residue thereof after the payment in full of the pensions to Confederate veterans and their wives and other

charges against said fund set out in Title 49, Section 50 of the Code of Alabama 1940. In making this appropriation it is hereby declared to be the legislative policy that the Department of Public Welfare expend all the surplus or residue hereby appropriated and all moneys received by it from the Federal Government for matching any or all funds expended for Confederate pensions or for matching the surplus or residue hereby appropriated, for old age assistance purposes exclusively, insofar as is possible under existing laws and the rules and regulations of the federal government and of the Department of Public Welfare in regard thereto before any part thereof may be expended for any other purposes by the Department of Public Welfare.

XVIII. DEPARTMENT OF CORRECTIONS AND INSTITUTIONS:

For the salary of the Director.....	10,000.00
For transfer to the State Personnel Department	5,700.00

For other salaries and expenses incident to the operation and maintenance of the convict system of Alabama, so much as may be necessary.

The above appropriation to the Department of Corrections and Institutions shall be paid out of all of the receipts from the administration of the Department, including the labor of the convicts, and all other funds appropriated.

XIX. HIGHWAYS AND BRIDGES:

For interest and sinking funds on outstanding highway bonds, so much of the gasoline taxes and motor vehicle licenses collected as may be necessary to pay same; and for the compensation of the State Highway Director, \$10,000.00; for transfer to the State Personnel Department, \$27,500.00; for maintenance and construction of roads and bridges, for salaries and for other expenses of the Highway Department, the residue of gasoline taxes, motor vehicle licenses, and all other revenues coming in or accruing to the Highway Department by virtue of Federal aid.

XX. PENSIONS:

(1) For Confederate veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

(2) Pension Commission:

For salaries	3,600.00	
For other expenses	400.00	
Total		4,000.00

The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, of the Code of Alabama of 1940.

XXI. PUBLIC SCHOOL FUND:

For the Public School Fund, the amounts appropriated from the Special Educational Trust Fund, together with all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258, and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided however, not more than four per cent of all funds appropriated in this section shall be used or expended otherwise than for the payment of teachers employed in such schools.

XXII. ALABAMA MILK CONTROL BOARD:

For salaries	32,900.00	
For other expenses	24,830.00	
For equipment purchases	500.00	
Total		58,230.00

Each item above shall be increased 7% for each new milk shed created after the effective date of this Act.

The above appropriation shall be paid out of the Milk Control Board Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

XXIII. DEPARTMENT OF PUBLIC SAFETY:

For the salary of the Director	7,500.00	
For other salaries	932,500.00	
For other expenses	455,200.00	
For equipment purchases	50,000.00	
For transfer to the State Personnel Department	4,800.00	
Total		1,450,000.00

The appropriations herein made shall be paid out of the funds in the Highway Patrol Fund as authorized by Article 1, Title 36, of the Code of Alabama of 1940, and all of the expenditures under this appropriation shall be limited in expenditure to the maximum amounts hereinabove set out.

XXIV. DEPARTMENT OF INDUSTRIAL RELATIONS:

For salary of the Director, estimated	10,000.00	
For transfer to State Personnel Department	10,400.00	

For other salaries and expenses incident to the operation and management of the Department; for U. S. Employment Service, U. S. Unemployment Compensation and for such other funds, services and operations for which the United States Government may provide monies; there is hereby appropriated, in addition to the amounts appropriated herein in Item V (7), all such sums as the United States Government may make available therefor.

XXV. PERSONNEL DEPARTMENT:

For the salary of the Director.....	7,500.00	
For other salaries.....	68,480.00	
For other expenses.....	15,150.00	
Total		91,130.00

The above appropriation shall be paid from transfers to the State Personnel Department provided in this Act, and in addition thereto, there is also hereby appropriated any such sum as shall be made available to the Department from any other state agency, institution, board, bureau, or department to be expended for salaries and other expenses of the Personnel Department, provided, however, the maximum amount to be expended by this Department for all salaries, expenses, and equipment shall in no event exceed the sum of \$92,430.00.

XXVI. DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item V (8) of this Act.....	10,000.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Estate and Inheritance Tax collections as part of the cost of operating said Department.....	4,500.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Store License Tax collections as part of the cost of operating said Department.....	32,000.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department.....	201,500.00

There is hereby appropriated and transferred to the Revenue Department, from Income Tax collections, for the cost of collecting said tax.....	267,500.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department....	13,000.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Mileage Tax collections as part of the cost of operating said Department	135,000.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Forest Products Severance Tax collections as part of the cost of operating said Department....	23,500.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Sales Tax collections as part of the cost of operating said Department.....	1,160,000.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Use Tax collections as part of the cost of operating said Department	36,000.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of taxes collected on Aviation Gasoline as part of the cost of operating said Department.....	4,500.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Gasoline Tax collections as part of the cost of operating said Department	207,000.00

There is hereby appropriated for transfer to Revenue Department, Administrative Account, from the gross proceeds of Motor Vehicle License collections as part of the cost of operating said Department.....

415,500.00

Total 2,510,000.00

DEPARTMENT OF REVENUE—
ADMINISTRATIVE ACCOUNT:

For the salary of the Commissioner..... 10,000.00

For other salaries..... 1,539,000.00

For other expenses..... 937,100.00

For equipment purchases..... 17,500.00

For transfer to State Personnel Department 6,400.00

Total 2,510,000.00

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law.

XXVII. ALABAMA STATE BAR ASSOCIATION:

For salaries and other expenses..... 28,000.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama of 1940.

XXVIII. BOARD OF NURSES EXAMINERS AND REGISTRATION:

For the fiscal year ending September 30, 1952:

For salaries..... 14,185.00

For other expenses..... 6,827.00

For equipment purchases..... 100.00

Total 21,112.00

For the fiscal year ending September 30, 1953:

For salaries..... 14,185.00

For other expenses..... 6,827.00

For equipment purchases..... 525.00

Total 21,537.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama of 1940, as amended.

XXIX. GEOLOGICAL SURVEY OIL AND GAS FUND:

For the fiscal year ending September
30, 1952:

For salaries	23,937.50	
For other expenses	8,259.50	
For equipment purchases	225.00	
For additions and betterments	408.00	
Total		32,830.00

For the fiscal year ending September
30, 1953:

For salaries	27,787.50	
For other expenses	8,299.50	
For equipment purchases	225.00	
For additions and betterments	408.00	
Total		36,720.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Oil and Gas Fund pursuant to the provisions of Act No. 1, approved May 22, 1945.

XXX. STATE BOARD OF REGISTRA- TION FOR ARCHITECTS:

For the fiscal year ending September
30, 1952:

For salaries	900.00	
For other expenses	1,300.00	
Total		2,200.00

For the fiscal year ending September
30, 1953:

For salaries	1,020.00	
For other expenses	1,270.00	
Total		2,290.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama of 1940, as amended.

XXXI. STATE BOARD OF REGISTRA- TION FOR PROFESSIONAL ENGI- NEERS AND LAND SURVEYORS:

For salaries	7,650.00	
For other expenses	4,310.00	
For equipment purchases	200.00	
Total		12,160.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

**XXXII. STATE LICENSING BOARD FOR
GENERAL CONTRACTORS:**

For salaries	15,120.00	
For other expenses	7,100.00	
For equipment purchases	300.00	
Total		22,520.00

In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the board or application withdrawn by request of applicant.

The above appropriation is payable out of the funds in the State Treasury to the credit of the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama of 1940.

XXXIII. STATE INSURANCE FUND:

For salaries	26,280.00	
For other expenses	8,000.00	
For equipment purchases	75.00	
Total		34,375.00

The above appropriation is payable out of funds in the State Treasury to the credit of the State Insurance Fund, pursuant to Title 29, Section 325, Code of Alabama 1940.

Section 2. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, Department, Bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 3. That, except as may be herein otherwise provided,

the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and that in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for these appropriations designated as 'estimated', and all appropriations herein made except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, 1940 Code of Alabama.

Section 4. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school, or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuition, charges, sales, endowments, trusts, or income therefrom, which it is now or may hereafter be authorized to receive, collect or disburse.

Section 5. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities, or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. That if any section, paragraph, sentence, clause, provision, or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made, not in and of itself unconstitutional or invalid.

Section 7. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be, and the same are hereby expressly repealed.

Section 8. That this Act shall become effective on October 1, 1951.

Approved August 8, 1951.

Time: 8:00 A. M.

Act No. 387

H. J. R. 93—Fite (Marion)

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives, the Senate concurring, that

WHEREAS, the members of both bodies have come to know, respect, and love the Honorable Truman A. Simpson, member of said House, and have enjoyed his fellowship and comradeship since the Legislature has been in session, and

WHEREAS, our friend, the said Truman A. Simpson is now confined in the Druid City Hospital at Tuscaloosa, Alabama, and is in grave and critical condition due to a severe head injury received by him in an automobile accident on Friday, August 3, 1951, and

WHEREAS, the members of both Houses are grieved over this tragic occurrence and are greatly concerned for his recovery.

Now Therefor Be It Resolved that the members of both Houses express their most earnest hopes that our co-worker will recover from said injury and regain his former health, and

Be It Further Resolved that the members of said Houses do hereby convey our most heartfelt sympathy to the family of the said Truman A. Simpson, along with our hopes and prayers for the recovery and welfare of the said Truman A. Simpson, and

Be It Further Resolved that a copy of this resolution be forwarded to Mrs. Truman A. Simpson.

Approved August 11, 1951.

Time: 11:27 A. M.

Act No. 388

S. 159—Richardson, Andrews, Farmer, Jones, Eddins, Byars, Norrell, Faulkner, Thagard, Clayton, Smith, High, Pinson, Fant, Golson, Robison, Hollis, Sollie, Todd, Skidmore, Larkins

AN ACT

To impose extra, new, and additional duties upon the Secretary of the Senate and the Clerk of the House, providing additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. The following extra, new, and additional duties are hereby imposed upon and shall be performed by the Secretary of the Senate and the Clerk of the House, viz.: To make for his House a list, by caption or title, of all bills introduced and all bills reported by the several standing committees; to make available to

each member of his House a copy of each Act passed which is printed in pamphlet form; to furnish the Legislative Reference Service, for indexing purposes, with a carbon copy of each bill enrolled.

Section 2. The Secretary of the Senate and the Clerk of the House each shall be entitled to additional compensation at the rate of twelve hundred dollars per annum for performing the extra, new, and additional duties imposed by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 13, 1951.

Time: 11:30 A. M.

Act No. 389

H. J. R. 90—Martin

HOUSE JOINT RESOLUTION

Be It Resolved by the House of Representatives, the Senate Concurring, that House Bills 744, 745, 746 and 747, which have passed both Houses, be named the Phillips, Martin bills.

Approved August 13, 1951.

Time: 11:32 A. M.

Act No. 390

H. 634—Dodd

AN ACT

Relating to Winston County; imposing extra, new, and additional duties upon the members of the Court of County Commissioners and providing additional compensation to such members for their performance thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Commissioners' Court of Winston County shall, in addition to his regular duties, perform the extra, new, and additional duty of visiting and inspecting each school in the county at least once each year for the purpose of ascertaining and reporting the needs of the school to the Court and to such other interested authorities as the Court may deem appropriate.

Section 2. For the performance of the extra, new, and additional duties imposed upon him by this Act, each member of the Court shall be entitled to such additional compensation, to be paid by the County, that his entire compensation shall be twenty dollars per day in lieu of the compensation heretofore provided by law. Provided, however, that the members of said Court of

County Commissioners shall be entitled to compensation herein provided for not more than two days in any one calendar month.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 13, 1951.

Time: 11:33 A. M.

Act No. 391

H. 708—Scruggs

AN ACT

Authorizing, empowering and directing the Judge of Probate of Marshall County, Alabama, to record all minutes, judgments, orders and decrees of the Probate Court or decrees made and entered by the Probate Court in the Book of Final Records of said Court instead of having them recorded in the Minutes in said Court separate and apart from the Final Record and provides when this Act shall become effective.

Be It Enacted by the Legislature of Alabama:

Section 1: That on and after the passage and approval of this Act that the Judge of Probate of Marshall County, Alabama, be and he is hereby authorized, empowered and directed to record all of the minutes, judgments, orders and decrees made and entered by the Probate Court of Marshall County, Alabama, in the Final Record book of said Court instead of in a separate minute book of the Probate Court as now directed by law.

"Section 2: That this Act shall become effective immediately upon its passage."

Approved August 13, 1951.

Time: 11:34 A. M.

Act No. 392

S. 506—Robison

AN ACT

To provide for the name and number of members of the governing body of all cities in the State of Alabama having a population of not less than 78,000 people nor more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census; to provide for the designation of the members of the governing body of all such cities; to provide that in all primary and general elections for nomination or election of members of the governing body in such cities, each such position to be filled shall be designated separately and shall appear separately on all ballots in such electional to provide that each candidate for nomination or election in such election shall designate the position to which he is seeking nomination or election; to provide the manner in which the names of candidates shall appear on ballots in such elections;

and to repeal all laws or parts of laws, general, local or special, in conflict with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. In all cities in the State of Alabama having a population of not less than 78,000 people nor more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census, the governing body shall be known as the Board of Commissioners of any such city and shall consist of three members designated as follows: President of the Board of Commissioners; Associate Commissioner Number One; and Associate Commissioner Number Two. Each Associate Commissioner shall be designated by the number of the office to which he is elected.

Section 2. In all primary and general elections held for the purpose of nominating or electing members of the Board of Commissioners of any such city, each of such positions to be filled shall be designated as provided in this Act and shall appear on the ballots of such elections designated accordingly.

Section 3. Each candidate for nomination or election as a member of the Board of Commissioners of any such city shall designate in the announcement and declaration of his candidacy the position to which he is seeking nomination or election and his name shall appear on the ballots of such election accordingly.

Section 4. All laws or parts of laws, general, local or special, in conflict with the provisions hereof are hereby repealed.

Section 5. This Act shall become effective on the date the regular 1950 Federal Census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 13, 1951.

Time: 11:35 A. M.

Act No. 393

S. 507—Robison

AN ACT

Relating to all cities in the State of Alabama having a population of not less than 78,000 people nor more than 125,000 people, according to the 1950 or any succeeding regular decennial Federal Census; providing for the name, number and designation of members of the governing body of all such cities; providing for the selection and employment of employees in all such cities and prescribing the authority of the governing body of such cities with respect to said employees; providing for distribution of the powers and duties of and among the members of the governing body of each such city; providing the time when the provisions of this act shall become effective; and repealing all laws or parts of laws, general, local or special, in conflict with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply in and to all cities in the State of Alabama having a population of not less than 78,000 people nor more than 125,000 people, according to the 1950 or any succeeding regular decennial Federal Census.

Section 2. The governing body of each and every such city shall be known as the Board of Commissioners of each such city and shall consist of three members designated as follows: President of the Board of Commissioners; Associate Commissioner Number One; and Associate Commissioner Number Two.

Section 3. Each and every officer and employee of each such city, except the health officer and such persons as may be employed by him to enforce quarantine, shall be selected and employed by the said board of commissioners, or under its direction, and all salaries and wages paid by said city shall be fixed by said board of commissioners. Unless otherwise provided the commissioners shall prescribe and may at any time change the powers, duties and titles of all subordinate officers and employees of said city, except the health officer and those holding under him, all of whom shall hold office and be removable at the pleasure of the board of commissioners. The authority herein given is subject, however, to the provisions of any civil service or merit system law applicable to said city.

Section 4. The powers and duties of the Board of Commissioners of each such city shall be distributed into and among three divisions, as follows: division of general administration and finance; division of public works; and division of public affairs. The president of the board of commissioners, or mayor, shall be the general executive officer of the city and shall be charged with the general supervision and direction of its affairs; and shall have direct supervision over the division of general administration and finance. The division of general administration and finance shall include those functions and departments of the city having to do with the collection of taxes, licenses and improvement assessments; the expenditures of the city, including the purchase of equipment and supplies; accounts and accounting; the budget and appropriations; the administration of the legal affairs of the city, including the Recorder's Court; the management of its sinking funds; and the management of any public utilities owned by the city. Associate Commissioner Number One shall have direct supervision over the division of public works. The division of public works shall include those functions and departments of the city having to do with public improvements in such city, including the construction, improvement and maintenance of streets, sidewalks, sewers, drainage systems, and public buildings and property; the city airport; the public health and sanitation; and kindergartens. Associate Commis-

sioner Number Two shall have direct supervision over the division of public affairs. The division of public affairs shall include the fire and police departments, the city cemetery, and the department having to do with weights and measures. Any function or department of the city not herein specifically assigned to one of the above divisions shall be the responsibility of the board of commissioners as a whole; provided, however, any such function or department may be assigned to a division, and reassigned, at any time by a unanimous decision of all members of the board of commissioners.

Section 5. All laws or parts of laws, general, local or special, in conflict with the provisions hereof are hereby repealed.

Section 6. This Act shall become effective on the date the regular 1950 Federal Census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 13, 1951.

Time: 11:36 A. M.

Act No. 394

H. J. R. 37—Wallace

HOUSE JOINT RESOLUTION

WHEREAS, May 30 was National Memorial Day on which day the people of the United States honored their dead war heroes of all wars in which the United States has participated, and

WHEREAS, it is altogether fitting and proper that the people of the country so honor their war dead, now therefore

Be It Resolved by the House of Representatives, the Senate Concurring:

1. The Legislature of Alabama hereby pays tribute to and honors the memory of the sons and daughters of Alabama and all the nation who gave their lives for their country in the wars in which the United States has participated.

Approved August 13, 1951.

Time: 11:38 A. M.

Act No. 395

H. 824—Brannan

AN ACT

Relating to Baldwin County: proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Baldwin County, and the fees, commissions, percentages, allowances and salary of, and the method of compensating any officer of Baldwin County; and ordering an election upon the proposed amendment

to be held on the first Tuesday following the expiration of three months after the final adjournment of the present Session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor.

AMENDMENT

"The Legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Baldwin County, and the fees, commissions, percentages, allowances or salary of, and the method of compensating any officer of Baldwin County."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the House July 31, 1951.

Passed the Senate August 10, 1951.

Act No. 396

H. 839—Dodd

AN ACT

To Propose and provide for the submission of an amendment to the constitution of Alabama, to empower and authorize The City of Haleyville, Alabama, a Municipal Corporation in Winston County to acquire and dispose of all kinds of property, to promote the development of The City of Haleyville, Alabama, a Municipal Corporation in Winston County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted

by such proposed amendment to The City of Haleyville, Alabama, a Municipal Corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution of Alabama is hereby proposed:

"Any provisions of the Constitution or laws of the State of Alabama to the contrary notwithstanding, The City of Haleyville, Alabama A Municipal Corporation in Winston County, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association, or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of The City of Haleyville, Alabama, a Municipal Corporation or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be

upon all property in The City of Haleyville, Alabama, a Municipal Corporation in Winston County or upon all property in any district the boundaries of which the governing body of The City of Haleyville, Alabama a Municipal Corporation shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of The City of Haleyville, Alabama, a Municipal Corporation in Winston County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board of governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences issued hereunder shall not be considered an indebtedness of The City of Haleyville, Alabama, a Municipal Corporation in Winston County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purpose and objectives hereinabove set forth."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration

of three months after the final adjournment of the 1951 Session of the Legislature. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: "Shall the following be adopted as an amendment to the Constitution of Alabama?", after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word "Yes" and immediately under that word there shall be printed the word "No." Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House July 27, 1951.

Passed the Senate August 10, 1951.

Act No. 397

H. 726—Oden

AN ACT

To Extend, Alter, and Rearrange the Boundary Line And The Corporate Limits of the Town of Hodges in Franklin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary line and corporate limits of the Town of Hodges in Franklin County, Alabama, are hereby extended, altered and rearranged so all the lands embraced within the following boundaries are within the corporate limits of such municipality:

Beginning at the Northeast corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 29, Township 8, Range 13, West, thence West on North line of said Section 29, Township 8, Range 13, West to the northeast corner of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30, Township 8, Range 13, West, continue on the North line of said Section 30, Township 8, Range 13, west, to the northwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 30, Township 8, Range 13, West, thence South with center line of said Section 30, Township 8, Range 13, west, to the Northwest corner of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 31, Township 8, Range 13, West, thence South with center line of

said Section 31, Township 8, Range 13, West, to the Southwest corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 31, Township 8, Range 13, thence East on South line of said Section 31, Township 8, Range 13, West, to the Southwest corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 32, Township 8, Range 13, West, continue East on South line of said Section 32, Township 8, Range 13, West, to the Southeast corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32, Township 8, Range 13, West, thence North on East line of said Section 32, Township 8, Range 13, West, to the Southeast corner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 29, Township 8, Range 13, West, continue North on East line of said Section 29, Township 8, Range 13 to the beginning point.

Section 2. The boundaries as set out in Section 1 of this Act are hereby established as the corporate limits of the Town of Hodges.

Section 3. All laws, general or local in conflict with this Act, be and the same are hereby repealed.

Section 4. That this act shall go into effect immediately upon its approval by the Governor or other wise becoming the law.

Approved August 10, 1951.

Time: 3:05 P. M.

Act No. 398

S. 160—Robison, Faulkner, Locke, Jones, Todd, Hollis, Andrews, High, Fant, Foster, Thagard, Whatley, Phillips, Larkins, Pinson, Farmer, Byars, Smith, Sollie, McCary, Golson, Bonner

AN ACT

To impose extra, new, and additional duties upon the Attorney General of Alabama; to provide additional compensation for the performance of the extra, new, and additional duties hereby imposed upon him; and to provide for the payment of additional compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to the duties now imposed upon him by law, the Attorney General of Alabama shall perform the following extra, new, and additional duties: (a) When extradition papers are presented to the Governor of Alabama by the executive authority of another state, seeking to extradite a person from Alabama, or by the proper authority of the State of Alabama, seeking to extradite a person from another state, such extradition papers shall be submitted to the Attorney General for examination and shall be approved by him both as to form and legality before the same are acted upon by the Governor; and, when requested so to do by the Governor, the Attorney General shall advise with him as to his action thereon. (b) When re-

quested so to do by the Governor, the Attorney General shall examine all bills, resolutions, and other documents submitted by the Legislature to the Governor for his consideration under Section 125 of the Constitution, and advise with him as to his action thereon.

Section 2. That, for the performance of the extra, new, and additional duties hereby imposed upon the Attorney General of Alabama, he shall be paid additional compensation in the amount of Twenty-Five Hundred Dollars (\$2,500.00) per year, such additional compensation to be paid out of the State Treasury in the same manner as the salaries of other State officers are paid.

Section 3. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 14, 1951.

Time: 4:52 P. M.

Act No. 399

S. J. R. 66—Hollis

SENATE JOINT RESOLUTION

Whereas, the death of Representative Truman A. Simpson of Fayette County is a serious loss to the State and the Legislature, and

Whereas, he was a valuable and sincere public servant who made a substantial contribution to the progress, prosperity and welfare of the State, now therefore

Be It Enacted by the Legislature of Alabama:

1. The death of Truman A. Simpson is deeply mourned by the members of the Legislature, and their sincere sympathy is hereby extended to the surviving members of his family.

2. The Secretary of the Senate is directed to forward a copy of this resolution to the family of Truman A. Simpson.

Approved August 14, 1951.

Time: 4:50 P. M.

Act No. 400

S. 449—Larkins

AN ACT

To provide for an additional coroner in all counties having a population of not less than 30,000 and not more than 33,500 according to the last and any subsequent Federal census, and having two courthouses.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all counties having a population of not less

than 30,000 and not more than 33,500 according to the 1950 or any subsequent Federal decennial census, and having two courthouses, there shall be an additional coroner than the one now provided by law.

Section 2. The additional coroner provided for by this act shall be appointed by the Governor to hold office until the next general election for coroners; thereafter, the coroner provided for in this act shall be elected at the general election held in November, 1954, to take office on the first Monday after the second Tuesday in January, 1955.

Section 3. At the general election held in 1954, there shall be elected two coroners for said county, one of said coroners to be elected from each of the districts in which the courthouses are located, and in no event shall either coroner be elected from the same territory served by either of the courthouses. The coroners elected at such election shall take office on the first Monday after the second Tuesday in January, 1955, and shall hold office until their successors are elected and qualified.

Section 4. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:01 P. M.

Act No. 401

S. 477—Fant

AN ACT

Relating to Winston County: To abolish the present County Court of Winston County, Alabama; to provide for the transfer of all causes pending in said Court to the County Court of Winston County, Alabama, and to provide for the disposition of all unsatisfied judgments, executions and forfeitures in said present County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. That the present County Court of Winston County, Alabama, be and the same is hereby abolished.

Section 2. That all causes now pending and undisposed of in said Court, together with all papers and documents relating to said causes, including affidavits and warrants of arrest, shall be immediately transferred to the COUNTY COURT OF WINSTON COUNTY for its consideration and action.

Section 3. That all unsatisfied judgments, executions and forfeitures in said present County Court Shall be enforced and returns thereof made to the COUNTY COURT OF WINSTON

COUNTY in the same manner and with the same force and effect as if said judgments, executions or forfeitures had been originally entered by or issued from the COUNTY COURT OF WINSTON COUNTY.

Section 4. That immediately after the effective date of this Act, the Judge of the said present County Court shall certify to the COUNTY COURT OF WINSTON COUNTY all causes pending and undisposed of in said present County Court, and all unsatisfied judgments, executions and forfeitures in said present County Court, together with all papers and documents relating thereto, including affidavits and warrants of arrest.

Section 5. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective on the last day of the month in which it is passed and approved by the Governor or otherwise becomes a law.

Section 7. Should any section, paragraph or portion of this Act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions hereof.

Approved August 15, 1951.

Time: 5:02 P. M.

Act No. 402

S. 478—Fant

AN ACT

Relating to Winston County: To create and establish the County Court of Winston County, Alabama; to define its jurisdiction and powers; to invest it with the criminal and civil jurisdiction concurrent with that of the justices of the peace of the County of Winston, Alabama, and all jurisdiction of the present County Court of Winston County, Alabama; to invest it with the powers and jurisdiction in criminal cases, non-support cases and juvenile cases heretofore exercised by the Judge of Probate of Winston County, Alabama, and to withdraw and take away from the Judge of Probate of Winston County all jurisdiction conferred by this Act upon the County Court of Winston County, Alabama; to provide for the time and place of holding said Court; to provide for the Judge and officers of said Court, their powers, duties, tenure and compensation; to prescribe the fees, costs and rules of procedure of said Court.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for the County of Winston, State of Alabama, a court which shall be known as and called the COUNTY COURT OF WINSTON COUNTY, ALABAMA, which said Court shall have original jurisdiction concurrently with the Circuit Court of Winston County of all misdemeanors committed in Winston County; original ju-

risdiction of bastardy and peace proceedings arising in said county, and preliminary jurisdiction of all felonies committed in said county. In addition thereto, said Court shall have and exercise original and exclusive jurisdiction in all juvenile and non-support cases arising in said county under Titles 13 and 14 of the Code of Alabama of 1940 and amendments thereto, and shall have all the powers therein conferred on the Probate Judge of said county in such cases, and all jurisdiction conferred upon the COUNTY COURT OF WINSTON COUNTY, ALABAMA, by this Act is hereby withdrawn and taken away from the Judge of Probate of Winston County, Alabama. The COUNTY COURT OF WINSTON COUNTY, ALABAMA, hereby established, shall have the criminal and civil jurisdiction concurrent with that of the justices of peace in the County of Winston, Alabama, and when exercising the jurisdiction of the justices of the peace in civil proceedings the Judge of said COUNTY COURT shall follow the same procedure as followed by justices of the peace. Said Court hereby created is hereby vested with all the power, authority and jurisdiction now held or exercised by the present County Court or Juvenile Court, and all cases pending in said Courts shall be transferred to the COUNTY COURT created by this Act, which latter Court shall have jurisdiction of said cases.

Section 2. The Judge of said COUNTY COURT hereby established shall have been a resident of Winston County, Alabama, for at least one (1) year next preceding his election or appointment, a qualified elector of said county, at least twenty-five (25) years of age, learned in the law, and admitted to the practice of law by the Supreme Court of Alabama. A Judge of the Court hereby established shall be elected by the qualified electors of the county at the general election of 1952. His term shall be for four (4) years from the first Monday after the second Tuesday in January next following his election, and until his successor is elected and qualified. The first Judge of this Court shall be appointed by the Governor and shall hold office until his successor is elected and assumes office as provided herein. Any vacancy occurring in the office of the Judge shall be filled by appointment in accordance with Section 158 of the Constitution. The Judge shall keep an office in the County Court House or in such other suitable place as the Court of County Commissioners may provide. His office shall be suitably equipped, furnished and provided at the expense of the county with such office supplies and stationery, stamps, furniture, fixtures, telephone and other facilities as may be necessary for the transaction of the business of the Court. In the event the Judge is disqualified or unable to act, a Special Judge shall be appointed as provided by Section 160 of the Constitution and Section 124, Title 13, of the 1940 Code, who shall be paid Ten Dollars (\$10.00) for each day or fraction thereof that he serves, out of the general fund of the county. The Judge shall not, during his term of office, act as at-

torney in any case or matter that has previously been or is in this Court, but may practice in all other matters and all other courts.

Section 3. The Judge of the COUNTY COURT OF WINSTON COUNTY hereby established shall receive a salary of Two thousand four hundred Dollars (\$2,400.00) per annum, said compensation to be payable monthly out of the county treasury, upon warrant drawn upon the county treasury by the chairman of the Court of County Commissioners.

Section 4. Regular sessions of the COUNTY COURT OF WINSTON COUNTY hereby established shall be held for the Double Springs Division of the Court at Double Springs, Alabama, on the first Monday of each month for the trial of both civil and criminal cases; and for the Haleyville Division of said Court at Haleyville, Alabama, on the first Tuesday following the first Monday of each month for the trial of both civil and criminal cases; provided, that the Judge of said Court may call and hold special, extra or adjourned sessions of said Court when, in his judgment, it is necessary to do so. The Court shall be open at all times for the transaction of business.

Section 5. The Circuit Clerk of Winston County shall act and be the Clerk of the COUNTY COURT hereby established, and he shall keep a civil and criminal docket of all cases brought before the said Court, and all the minutes and records as are now required by law to be kept by justices of the peace and by the Clerk of the County Court of said county. He shall have authority to issue all necessary summons and complaints as to all cases filed in said Court, and all other civil and criminal processes which justices of the peace and Clerk of the County Court are now required or empowered by law to issue. He shall have authority to swear witnesses at the trial of all cases in said county. It shall be the duty of said clerk to tax and collect in each civil case in said COUNTY COURT hereby established the same costs and fees for services of the Clerk and Sheriff and witnesses in civil causes in said Court as are now or may hereafter be allowed by law to be assessed, charged and collected for same in the Circuit Court; and in all criminal cases the same costs, fines and fees for the services of the solicitor, Clerk, Sheriff and witnesses in said Court shall be assessed and collected as are now or may hereafter be provided by law to be assessed and collected for such offenses in the County Court of Winston County, Alabama.

Section 6. All prosecutions for misdemeanors may be instituted in said Court hereby established by making affidavit before the Judge or Clerk of the said Court or before any justice of the peace of Winston County or notary public exercising the powers of justice of the peace; and all preliminary proceedings and prosecutions for felonies in said Court the same may be in-

stituted by affidavit before the Judge or the Clerk of said Court or any justice of the peace or notary public exercising the powers of justice of the peace, returnable to the COUNTY COURT hereby established.

Section 7. The Sheriff of Winston County shall receive the sum of Two Dollars (\$2.00) per day for attendance upon the COUNTY COURT OF WINSTON COUNTY hereby established, payable out of the County Treasury, and for other services rendered by him other than attendance upon said Court he shall receive the same costs, fees and compensation as allowed by law for similar services performed by sheriffs in the county courts of this state, which costs, fees and compensation shall be paid in like manner.

Section 8. The COUNTY COURT OF WINSTON COUNTY, ALABAMA, shall be governed by the same rules of procedure as govern the county courts of this state, and all laws pertaining to the operation of county courts of this state not in conflict with the provisions of this Act shall pertain to the operation of the COUNTY COURT OF WINSTON COUNTY, ALABAMA.

Section 9. All laws and parts of laws in conflict with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. Should any section, paragraph or portion of this Act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions thereof.

Section 11. This Act shall become effective on the first day of the month following the month in which it is passed and approved by the Governor or otherwise becomes a law.

Approved August 15, 1951.

Time: 5:03 P. M.

Act No. 403

S. 504—Robison

AN ACT

To authorize all cities in the State of Alabama having a population exceeding 78,000 and not exceeding 125,000 inhabitants, according to the 1950 or any succeeding regular decennial Federal Census, or which shall hereafter have such population according to any such census that may hereafter be taken, to enact ordinances to establish and maintain a general system of pensions and retirements, including allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees whose salaries are paid on a monthly basis, with necessary classification and terms of admission; and providing that upon the establishment of any system of pensions and retirements such employees theretofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as deemed expedient, to admission to such system; to authorize such ordinances to prescribe the manner in which the system may be con-

ducted and its funds collected and distributed; to authorize such cities enacting such ordinances to establish such board for the administration of the fund as is deemed expedient, and to permit the governing body of the city to serve as such board; to require the participating employees and the city to contribute to the funds of such retirement system and to provide for the fixing of the rates of contribution; to require the board to have prepared annually actuarial valuation of the assets and liabilities of the system and to permit, on the basis of such valuation, increase or decrease in the rates of contribution; to require such pension or retirement system organized under the provisions of this act to create and maintain reserves, calculated to be adequate to cover the liabilities on account of benefits payable under the ordinances, on the basis of an interest rate not in excess of four per centum per annum, and mortality, disability and other experience tables, or a similar group of employees; to authorize the reserves required in respect of service rendered or benefits granted prior to the date of the organization of such system under the provisions of this act to be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment of said system; to authorize the organization of a retirement system under this act to provide for the cessation, limitation or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system provided that any funds of such former system transferred to the newly organized system shall be applied first to the payment of the benefits on account of which such funds were contributed; to require that the funds of such retirement system organized under the provisions of this act constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system and shall be held independently of the funds in the treasury of the city; to require that the ordinances provide for trustees, to invest and reinvest the funds of the system and the terms and restrictions in the manner of making such investments; to provide that the property of said system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system shall be exempt from taxation, attachment, execution or other process to satisfy any debt or liability of any employee of the system and any law relating to bankruptcy or insolvency; to provide that no assignment of any right in said funds or any benefits under the provisions of said ordinances shall be valid; to provide the time of taking effect of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to and have application in all cities in the State of Alabama having a population exceeding 78,000 and not exceeding 125,000 inhabitants according to the 1950 or any succeeding regular decennial Federal Census or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to, or have application in, any other city. Any such city may enact ordinances to establish and maintain a general system of pensions and retirements, which may include allowances payable on retirement for age or disability, or benefits on separation from service, for the benefit of their regular employees, whose salaries are paid on a monthly basis, with necessary classifications and terms of admission; and to provide that upon the establishment of any system of pensions and retirements such employees there-

tofore or thereafter appointed shall be eligible, subject to such exceptions, limitations and restrictions as may be deemed expedient to admission to such pension or retirement system. Such ordinances shall prescribe the manner in which the system may be conducted and its funds collected and disbursed.

Section 2. Cities enacting such ordinances as provided in Section 1 shall establish such board for the administration of the fund as is deemed expedient, or may provide for the governing body of the city as the administrative board. The board provided for in this section is hereafter referred to as the Board.

Section 3. The participating employees and the city shall contribute to the funds of such retirement system organized under the provisions of this act, and the rates of contribution shall be fixed by the Board upon the basis of actuarial valuations and shall be adequate to support the benefits granted. The Board shall have prepared annually an actuarial valuation of the assets and liabilities of the system, and on the basis of such valuations may increase or decrease the rates of contribution whenever such action is deemed by the Board to be necessary to preserve the solvency and equity of the system.

Section 4. A pension or retirement system organized under the provisions of this act shall create and maintain reserves on the basis of an interest rate not in excess of four per centum per annum and mortality, disability and other experience tables based on reliable experience for such, or a similar group of employees, which reserves shall be calculated to be adequate to cover the liabilities on account of benefits payable under the ordinance; provided, however, that the reserves required in respect of service rendered or benefits granted prior to the date of organization of such system under the provisions of this act may be accumulated on a basis calculated to produce a balance between the actuarial present value of the assets and of the liabilities of the system within a period of not exceeding thirty years from the date of establishment hereunder.

Section 5. The organization under this act of a retirement system may provide for the cessation, limitation, or application of any former system of retirement benefits applying to persons eligible to be included in the newly organized system, provided that any funds of such former system transferred to the newly organized system shall be first applied to the payment of the benefits on account of which such funds were contributed.

Section 6. The funds of such retirement system organized under the provisions of this act shall be held independently of the funds in the treasury of the city, and shall constitute a trust fund to be used only for the purpose of providing the benefits of such retirement system. The ordinance shall provide for trustees, who may be members of the Board, to invest and reinvest the

funds of the system under such terms and restrictions in the manner of making investments as are provided in Act No. 515, approved July 9, 1945, establishing a state employees' retirement system, found in general acts of Alabama of 1945, pages 734 to 752.

Section 7. The property of a pension or retirement system, the portion of wages or salary of an employee deducted or to be deducted, the right of an employee to a benefit, and all his rights in the funds of the system, shall be exempt from taxation and from the operation of any law relating to bankruptcy or insolvency, and shall not be attached or taken on execution or other process to satisfy any debt or liability of any member of the system. No assignment of any right in or to said funds, or of any benefit payable under the provisions of the ordinance, shall be valid.

Section 8. This Act shall become effective on the date the regular 1950 Federal Census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 15, 1951.

Time: 5:04 P. M.

Act No. 404

S. 508—Robison

AN ACT

Providing that in all cities of the State of Alabama now having or hereafter having a population of as many as 78,000 and not more than 125,000 people, according to the 1950 or any succeeding regular decennial Federal Census, the employees of any water works board or other board, public corporation or commission, created or appointed by the governing authority of any such city, who were or are at the time of the creation or appointment of such water works board or other board, public corporation or commission, employees of any such city, or paid in part or in whole, directly or indirectly, from funds contributed or appropriated by any such city, shall continue to be covered and protected by and entitled to the benefits of any pension or retirement system, law or plan, or other benefit plan in effect for employees of any such city at the time of the creation or appointment of any such water works board or other board, public corporation or commission; providing for the contribution and payment by any such water works board or other board, public corporation or commission, of all sums due by or accruing to any of their respective employees under any such pension or retirement system, law or plan, or other benefit plan; providing that any such water works board or other board, public corporation or commission may enter into agreements with any such city for participation by their respective employees employed after the appointment and creation of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, now applicable to or for the benefit of the employees of any such city, and as part of any such agreement to provide for contributions or payments to be made by any such water works board or other board, public corporation or commission in connection with

the participation by their respective employees in any such pension or retirement system, law or plan, or other benefit plan; and providing that any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees, whether employed before or after the creation or appointment of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, hereafter applicable to or for the benefit of the employees of any such city, and as part of any such agreement to provide for contributions or payments to be made by any such water works board or other board, public corporation or commission in connection with the participation by their said respective employees in any such pension or retirement system, law or plan, or other benefit plan.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and to all cities of the State of Alabama now having or hereafter having a population of as many as 78,000 and not more than 125,000 people, according to the 1950 or any succeeding regular decennial Federal Census.

Section 2. The employees of any water works board or other board, public corporation or commission, created or appointed by the governing authority of any such city, who were or are, at the time of the creation or appointment of any such water works board or other board, public corporation or commission, employees of any such city, or paid in part or in whole, directly or indirectly, from funds contributed or appropriated by any such city, shall continue to be covered and protected by and entitled to the benefits of any pension or retirement system, law or plan, or other benefit plan, in effect for the employees of any such city at the time of the creation or appointment of any such water works board or other board, public corporation or commission. Any such water works board or other board, public corporation or commission, shall be responsible for the payment of all sums due by or accruing to any of their respective employees under any such pension or retirement system, law or plan, or other benefit plan; it being intended hereby to place the responsibility on any such water works board or other board, public corporation or commission, of paying all sums of money, so far as their respective employees are concerned, which any such city would have been required to pay if such water works board or other board, public corporation or commission, had not been created or appointed.

Section 3. Any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees employed after the appointment and creation of any such water works board or other board, public corporation or commission in any pension or retirement system, law or plan, or other benefit plan, now applicable to or for the benefit of the employees of any such city, and any such agreement shall contain a provision

for contributions or payments to be made by any such water works board or other board, public corporation or commission, in connection with and in order to defray the cost of participation by their said respective employees in any such pension or retirement system, law or plan, or other benefit plan. Such agreements shall be in such form and may contain such additional provisions, conditions or stipulations as might be deemed advisable for the proration of the costs of operating any such pension or retirement system or plan, or other benefit plan.

Section 4. Any such water works board or other board, public corporation or commission, may enter into agreements with any such city for participation by their respective employees, whether employed before or after the creation or appointment of any such water works board or other board, public corporation or commission, in any pension or retirement system, law or plan, or other benefit plan, hereafter applicable to or for the benefit of the employees of any such city, and any such agreement shall contain a provision for contributions or payments to be made by any such water works board or other board, public corporation or commission, in connection with and in order to defray the cost of participation by their said respective employees in any such pension or retirement system or plan, or other benefit plan. Such agreements shall be in such form and may contain such additional provisions, conditions or stipulations as might be deemed advisable for the proration of the costs of operating any such pension or retirement system or plan, or other benefit plan.

Section 5. This Act shall become effective on the date the regular 1950 Federal Census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 15, 1951.
Time: 5:06 P. M.

Act No. 405

S. 511—Robison

AN ACT

To provide for the appointment of a humane officer in all counties in this state which may now have or which hereafter have a population of ninety-six thousand people and less than one hundred forty-one thousand people according to the last Federal census or any census which may hereafter be taken; to define the duties and fix the compensation of said humane officer; to provide for transportation and the expenses of same and other expenses incurred in the performance of his duties.

Be It Enacted by the Legislature of Alabama:

Section 1. That upon the passage and approval of this act by the Governor or upon its otherwise becoming a law, it shall be the duty of the Society for the Prevention of Cruelty to Animals,

or other similar society organized in Counties in this state which now have, or which may hereafter have a population of ninety-six thousand people and less than one hundred forty-one thousand people according to the last Federal census, and in which there is an incorporated city having a population of seventy-eight thousand people and less than one hundred twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, to nominate a humane officer for said counties to be approved by the Court of County Commissioners or other like governing body and by the City Commission or other like governing body of such city located in such counties.

Section 2. That in all such counties and cities, in addition to the duties prescribed and fixed by law for humane officers, or by whatever name called, it shall become the further duty for the humane officer to see that all laws with reference to the prevention of cruelty to animals be strictly enforced and brought to the attention of the courts within said counties. That the number of cases investigated and docketed by said officer with a full description of each case, shall be filed each month in the office of such humane society, the cities and counties, and a complete report given to a newspaper published in said counties every six months. It shall also be the duty of such officer, in addition to those duties already prescribed, to pick up and collect all un-owned and neglected dogs within the said counties and cities and deliver them to the rabies inspector.

Section 3. That the said humane officer shall be furnished with suitable transportation for the proper performance of his duties, the cost and upkeep of which, including the cost of repairs, gas and oil shall be shared equally by the counties and cities covered in this act.

Section 4. That the salary of said humane officer shall be one hundred fifty dollars a month, payable monthly. That the said salary shall be shared equally by the counties and cities covered by this act and shall be paid as other salaries to employees of the said counties and cities are paid.

Section 5. In all such counties where there is a county and city civil service system and the humane officer has been selected before the passage of this act, such humane officer shall hold such office without being reappointed and shall be deemed to have acquired permanent civil service status. The said humane officer shall have all the benefits allowed to other employees of the said counties and cities as regards retirement benefits.

Approved August 15, 1951.
Time: 5:08 P. M.

Act No. 406

S. J. R. 56—Andrews

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, that

WHEREAS, the 31st Division, better known as the Dixie Division, was composed wholly of National Guard Units from the States of Alabama and Mississippi when said Division was inducted into the Federal service, and

WHEREAS, the 31st Division, as it is now composed, has served with distinction as a unit during two (2) world conflicts, and

WHEREAS, it has been brought to the attention of the Legislature of Alabama that there is now a movement on the part of the Federal Government to disintergrate the 31st Division so as to assign part, if not all, of the National Guard Units of the States of Alabama and Mississippi to other divisions, and

WHEREAS, it is the considered judgment of both Houses of the Legislature of the State of Alabama that the 31st Division can better serve the country and be of greater aid to the security and national defense of the United States if said Division is left intact.

NOW, THEREFORE, BE IT RESOLVED, that the Legislature of the State of Alabama strongly urges and recommends to the United States Congress that it take such steps as may be necessary to preserve the 31st Division as a unit composed of the National Guard of the States of Alabama and Mississippi, to the end that the 31st Division may continue to reflect glory upon itself and do honor to the section of the country from which it comes, and that other national guard units from this State be likewise held intact.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to each Alabama Congressman, to the two (2) Alabama Senators, and also a copy of this resolution be sent to the Clerk of the House of Representatives and the President of the Senate of the United States, with the request that it be read in both Chambers.

Approved August 15, 1951.

Time: 5:09 P. M.

Act No. 407

H. 348—Adams (Jefferson)

AN ACT

To amend Act No. 515, H. 93, approved July 9, 1945, entitled "An Act To establish an employees' retirement system; to determine member-

ship and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for officers and a medical board and to define their duties; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; to provide a method of financing said system; and to provide an appropriation to carry out the provisions of the Act."

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 (1) of Act No. 515, H. 93, approved July 9, 1945, entitled "An Act To establish an employees' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for officers and a medical board and to define their duties; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; to provide a method of financing said system; and to provide an appropriation to carry out the provisions of the Act," as amended (Acts of 1947, p. 450), is amended further to read as follows:

"Section 5. BENEFITS — SERVICE RETIREMENT BENEFIT. (1) (a) Any member in service may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided, that the said member at the time so specified for his retirement shall have attained age sixty, and notwithstanding that during such period of notification he may have separated from service. Provided further that a member employed as a State Policeman shall be eligible to file application for service retirement upon attaining age fifty-six. (b) Any member who has attained age sixty may retire upon written application to the Board of Control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided, that the said member at the time so specified for his retirement shall have thirty or more years of creditable service. (c) Any member in service who has attained age seventy shall be retired forthwith; provided, that any member who is an official appointed for a term of years may remain in service until the end of the term of office for which he was appointed; and provided further, that a person who attains the age of seventy or above may be continued in the State's service, from year to year, on application of the employee approved by the Personnel Board, if evidence of physical and mental fitness is furnished. Nothing in this Act shall require the dismissal of any person seventy years old or over who fails to join the retirement system within the time specified in this Act, if such person was in the employ of the State on June 1, 1945."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:00 P. M.

Act No. 408

H. 902—Russell, Roberts

AN ACT

To amend Sections 1 and 4 of an act approved May 28, 1943 providing for the placing of the Judge of Probate of Morgan County, Alabama on a salary, being Act No. 70 of the regular session of the Legislature of 1943.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of an act approved May 28, 1943 to provide for the placing of the Judge of Probate of Morgan County, Alabama on a salary, being Act No. 70 of the regular session of the legislature of Alabama of 1943, be and the same is hereby amended so as to read as follows:

1. The Judge of Probate of Morgan County, Alabama shall receive an annual salary of SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500) Dollars. Said salary shall be in lieu of all other compensation, commissions, allowances, fees, costs, percentages and emoluments to said officer, except as herein otherwise provided.

Section 2. That Section 4 of said act be and the same is hereby amended so as to read as follows:

4. The Board of Revenue and Control of Morgan County, Alabama, or other like governing body of said county, shall provide said Judge of Probate with the necessary books, records, equipment, furniture, fixtures, stationery, postage, and other supplies, and with sufficient clerks and assistants, the said Judge of Probate to have the authority to select and employ and discharge at will his clerks and assistants, and to fix their compensation, but the total compensation of said clerks and assistants shall not exceed such sum as the Board of Revenue and Control of Morgan County, Alabama shall allow therefor, not to exceed the sum of TWELVE THOUSAND TWO HUNDRED DOLLARS (\$12,200) Dollars per annum. Said Board of Revenue and Control shall have authority and it shall be its duty to make an allowance for such compensation and to raise and lower the same from time to time, subject to said maximum of TWELVE THOUSAND TWO HUNDRED DOLLARS (\$12,200) Dollars, as conditions and circumstances may warrant.

Section 3. This Act shall become effective on October 1, 1951.

Approved August 15, 1951.

Time: 5:10 P. M.

Act No. 409

H. 901—Roberts, Russell

AN ACT

To fix the compensation of the Solicitor of the Morgan County Court in and for Morgan County, Alabama, and to provide the period during which this Act shall be effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Solicitor of the Morgan County Court of Morgan County, Alabama shall be the sum of twenty-four hundred dollars (\$2,400) per annum, payable in equal, monthly installments out of the county treasury at the end of each month.

Section 2. This Act shall become effective on October 1, 1951.

Approved August 15, 1951.

Time: 5:11 P. M.

Act No. 410

H. 900—Russell, Roberts

AN ACT

To amend Section 1 and Section 3 of Act No. 361 of the Legislature of Alabama, which act became a law on September 14, 1939, and which act fixed the compensation or salary to be paid to the Tax Assessor of Morgan County, Alabama, as amended by Act No. 73 of the Legislature of Alabama, approved May 28, 1943.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 361 of the Legislature of Alabama of the regular session of 1939, which act became a law on September 14, 1939, and which act fixed the compensation or salary of the Tax Assessor of Morgan County, Alabama, be and the same is hereby amended so as to read as follows: "Section 1. The salary of the Tax Assessor of Morgan County, Alabama shall be FORTY-EIGHT HUNDRED DOLLARS (\$4800.00) Dollars per year, and said annual salary shall be paid out of the County Treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. That Section 3 of said act as amended by Act No. 73 of the Legislature of Alabama, approved May 28, 1943, be and the same is hereby amended so as to read as follows: "Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other

assistants to the said Tax Assessor, but the said Tax Assessor shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed FORTY-FOUR HUNDRED DOLLARS (\$4400.00) Dollars per annum. The said tax Assessor shall have the right to discharge the said clerks, deputies, and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County, Alabama are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body of Morgan County shall pay for all necessary traveling expenses for annual trips over the county as required by law, but said Tax Assessor shall furnish all necessary drawings, maps, registers and plats as required by law, including land and lot books provided for by sections 66 and 67 of Title 51 of the Code of Alabama of 1940, and the book, commonly known as 'Tax Abstract,' provided for by section 65 of Title 51 of the Code of Alabama of 1940, without compensation, charges, or expense to Morgan County, for the same, or the preparation of the same. The compensation of said clerks and assistants shall be paid in semimonthly installments upon their filing with the Chairman of said Board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of said Tax Assessor and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County, Alabama shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to said Tax Assessor from time to time as conditions may warrant, not to exceed however the said sum of FORTY-FOUR HUNDRED DOLLARS (\$4400.00) per annum."

Section 3. This Act shall become effective on October 1, 1951.

Approved August 15, 1951.

Time: 5:12 P. M.

Act No. 411

H. 899—Russell, Roberts

AN ACT

To amend Sections 1 and 3 of an Act to fix the compensation or salary to be paid the Tax Collector of Morgan County, Alabama, being Act No. 464 of the regular session of the Legislature of Alabama of 1939, approved September 15, 1939, as amended by Act No. 71 of the Legislature of Alabama, approved May 28, 1943.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 464 of the Legislature of Alabama, approved September 15, 1939, being an act to fix the

compensation or salary to be paid to the Tax Collector of Morgan County, Alabama, and for other purposes, be and the same is hereby amended so as to read as follows: "Section 1. The salary or compensation of the Tax Collector of Morgan County, Alabama shall be FORTY-EIGHT HUNDRED DOLLARS (\$4800.00) Dollars per annum, and said annual salary shall be paid out of the county treasury of Morgan County, in equal monthly installments, at the end of each month."

Section 2. That Section 3 of said act as amended by Act No. 71 of the Legislature of Alabama, approved May 28, 1943, be and the same is hereby amended so as to read as follows: "Section 3. The Board of Revenue and Control, or like governing body of Morgan County, Alabama is required, authorized and empowered to provide sufficient equipment, clerks, deputies and other assistants to the said Tax Collector, but the said Tax Collector shall select such clerks, deputies and assistants and shall fix their compensation, but the combined salaries or compensation of said clerks, deputies, and assistants selected by him shall not exceed FOUR THOUSAND FOUR HUNDRED DOLLARS (\$4,400.00) Dollars per annum. The said Tax Collector shall have the right to discharge the said clerks, deputies and assistants at will, as they shall serve only at his pleasure. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal semimonthly installments out of the general funds of Morgan County, upon separate warrants drawn in the same manner as other employees of Morgan County, Alabama are paid. In addition to the foregoing allowance the Board of Revenue and Control, or like governing body, of Morgan County, shall pay for all necessary traveling expenses for annual trips over the County as required by law, but said Tax Collector shall furnish all necessary reports, registers, and lists of qualified voters as required by law, without additional charge or compensation therefor. The compensation of said clerks and assistants shall be paid in semimonthly installments upon their filing with the Chairman of said Board of written claims therefor, the correctness of which shall be verified by the oath or affirmation of said Tax Collector and of the clerk or assistant making such claim. The Board of Revenue and Control of Morgan County, Alabama shall have authority to raise and lower the allowance for the clerks, deputies and other assistants to said Tax Collector from time to time as conditions may warrant, not to exceed however the said sum of FOUR THOUSAND FOUR HUNDRED DOLLARS (\$4,400.00) per annum."

Section 3. This Act shall become effective on October 1, 1951.

Approved August 15, 1951.

Time: 5:13 P. M.

Act No. 412

H. 898—Roberts, Russell

AN ACT

Relating to Morgan County; fixing the salary of the coroner of said county at sixty dollars per month, to be paid out of the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Coroner of Morgan County shall be entitled to a salary of sixty dollars per month, to be paid out of any funds in the county treasury not otherwise appropriated, upon warrant of the Chairman of the Board of Revenue and Control of Morgan County, said salary to be the entire compensation of the Coroner.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:14 P. M.

Act No. 413

H. 897—Roberts, Russell

AN ACT

To extend the boundary lines of the City of Decatur in Morgan County, Alabama, so as to include in the territory of said municipality, in addition to the territory now embraced therein, the following described lands, to-wit:

Beginning at a point on the west line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, Township 5 South of Range 4 West 1096 feet north of the southwest corner of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence running north to the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, thence running east to the northeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33, Township 5 South of Range 4 West, thence running south to the southeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33, thence running west to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33, thence north to the southeast corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 33, thence west to the southwest corner of the NW $\frac{1}{4}$ of said Section 33, thence running north along the west line of the NW $\frac{1}{4}$ of said Section 33 to the southeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, thence running west 190 feet, thence running north 67 feet, thence running west to the center line of the Somerville Road, thence running in a northerly direction along the center line of the Somerville Road to a point where said center line intersects a line running east from the point of beginning, thence running west to the point of beginning.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include in the territory of said municipality the following described lands, in addition to the territory now embraced therein, to-wit: Beginning at a point on the west line of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 32, Township 5 South of Range 4 West 1096 feet north of the southwest corner of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence running north to the northwest corner of the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, thence running east to the northeast corner of the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 33, Township 5 South of Range 4 West, thence running south to the southeast corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33, thence running west to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 33, thence north to the southeast corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 33, thence west to the southwest corner of the NW $\frac{1}{4}$ of said Section 33, thence running north along the west line of the NW $\frac{1}{4}$ of said Section 33 to the southeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, thence running west 190 feet, thence running north 67 feet, thence running west to the center line of the Somerville Road, thence running in a northerly direction along the center line of the Somerville Road to a point where said center line intersects a line running east from the point of beginning, thence running west to the point of beginning.

Section 2. This Act shall be effective immediately.

Approved August 15, 1951.

Time: 5:15 P. M.

Act No. 414

H. 827—McCoy

AN ACT

Relating to Escambia County; providing that the governing body of the county shall fix, and provide for the payment of the compensation of the county jailers.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Escambia County is hereby authorized and directed to fix, and provide for the payment of the compensation of the county jailers employed or appointed by the sheriff, the salary of each jailer to be fixed at not less than one thousand two hundred nor more than three thousand dollars per annum and be payable in equal monthly installments out of any funds in the county treasury not otherwise appropriated.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:16 P. M.

Act No. 415

S. 512—Robison

AN ACT

To Amend Section 187 of Title 13, Code of Alabama of 1940 as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. "That Section 187 of Title 13, Code of Alabama of 1940 be amended so as to read as follows:

Section 187. (6717) (3265) (926) (663) (666) (760) (642) **COMPENSATION TO SUCH BAILIFFS.**—Bailiffs actually serving in court shall receive three dollars a day for every day they serve, to be paid out of the county treasury on the certificate of the presiding judge showing that his service was necessary. In circuits composed of one county having two circuit judges, each judge shall have the power and authority to appoint one bailiff who shall receive a salary to be fixed by the presiding judge at a sum not to exceed Four Thousand Dollars per annum, which salary shall be payable in twelve monthly installments out of the treasury of the county composing such circuit, upon warrant of the president of the board of revenue. In circuits composed of one county, having three circuit judges, each judge of such courts shall have the power and authority to appoint one bailiff who shall receive a salary of three thousand dollars per annum, payable in twelve equal monthly installments, out of the treasury of the county constituting such circuit upon warrant of president or chairman of the board of revenue or of the governing body of the county. Said bailiffs, while not engaged as such, shall be used by the sheriffs of said counties as deputies and be under his direction and control while acting as such deputies. They shall execute bonds as other deputies in such counties, and the premiums on said bonds shall be paid by the said counties. Each bailiff appointed by a judge of any such court shall hold office at the will and pleasure of the judge so appointing him. Each such bailiff appointed to serve in counties having three circuit judges shall, in addition to the duties now imposed upon him, be required to wait upon all grand juries while in session, when directed by judge so appointing him. The bailiffs appointed by the judges under this section shall be in lieu of bailiffs of said courts provided for under the preceding section. Nothing in this

section or in the preceding section, shall apply to circuits having five or more judges."

Approved August 15, 1951.
Time: 5:18 P. M.

Act No. 416

S. 532—Larkins

AN ACT

To amend Section 1 of Act No. 634, H. 1057, approved July 10, 1940, entitled, "An Act, to authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 1 of Act No. 634, H. 1057, approved July 10, 1940, entitled, "An Act to authorize the Court of County Commissioners of Pike County, Alabama, to provide an additional deputy sheriff for Pike County to that now provided by law; to fix the salary of said deputy and to make same payable in equal monthly installments from the general funds of Pike County; to repeal all laws in conflict herewith.", be and same is hereby amended to read as follows:

"Section 1. The Court of County Commissioners of Pike County, Alabama is hereby authorized in its discretion to provide an additional deputy sheriff for Pike County in addition to the deputies now provided by law who shall be appointed by the sheriff of said County and who shall hold said office at the pleasure of said sheriff, and shall receive a salary of Eighteen Hundred Dollars (\$1800) per annum, to be paid in twelve equal monthly installments out of the general fund of said County."

Section 2. That all laws or parts of laws, general, special, or local in conflict herewith are, to the extent of such conflict, repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 15, 1951.
Time: 5:19 P. M.

Act No. 417

S. J. R. 64—Robison

SENATE JOINT RESOLUTION

BE IT RESOLVED by the Senate, the House concurring, that S. B. 504, S. B. 505, S. B. 506, S. B. 507, S. B. 508, S. B. 509 and S.

B. 511, which have passed both Houses, each be known as the Robison, Dawkins, Hall, Tennille and Sellers Bill.

Approved August 15, 1951.

Time: 5:20 P. M.

Act No. 418

H. 796—Fite (Walker), Black

AN ACT

To amend Section 151 of Title 52 of the 1940 Code of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 151 of Title 52 of the 1940 Code of Alabama be amended to read as follows:

"Section 151. The general administration and supervision of the public schools and educational interests of each city shall be vested in a city board of education, to be composed of five members who shall be residents of such city, and who shall not be members of the city council or commission. The members of such city board of education, who shall serve without compensation, shall be chosen solely because of their character and fitness, but no person shall be appointed or elected to this board under the provisions of this section who is in any way subject to the authority of the board. However, where any city or town which has heretofore had the general administration and supervision of the public schools and educational interests of such city or town vested in a city board of education for a period of twenty years or more, may, if it elects, continue to have general administration and supervision of the public schools and educational interests under a local board of education regardless of any past or future federal census."

Section II. This act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:20 P. M.

Act No. 419

H. 940—Dumas, Adams (Jefferson),
Meeks, Huey, Kaul

AN ACT

To create a fund which shall be known as "Solicitor's Fund, Bessemer Division", to provide for the appropriation of monies to said fund from the Solicitor's Fund of Jefferson County, Alabama; to authorize the expenditure of said fund by the Deputy Circuit Solicitor elected by the people in and for the Bessemer Division of Jefferson County and to provide for the purposes for which said fund may be so expended.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated out of the Solicitor's Fund of Jefferson County, Alabama, monthly, on the 10th day of each month, a sum of money equal to the Solicitor's fees paid into said fund by or from the Bessemer Division of the Circuit Court of Jefferson County during the next preceding calendar month. Said monies so appropriated out of said solicitor's fund shall remain in the custody of the Treasurer of Jefferson County, shall be known as "Solicitor's Fund, Bessemer Division," and shall be paid out by the Treasurer of said County upon warrants drawn upon said Treasurer by the Deputy Circuit Solicitor elected by the people in and for the Bessemer Division of said County; and said Deputy Circuit Solicitor shall have the power and authority to employ any assistance or assistants and to incur any expenses he may deem necessary to properly administer justice, including the payment of any reporters for taking of statements or transcribing testimony or reporting the preliminary trial of felonies in the Bessemer Civil and Misdemeanor Court, and all such expenses shall be paid out of said "Solicitor's Fund, Bessemer Division," on warrants drawn by said Deputy Circuit Solicitor upon said Solicitor's Fund, provided there is a sufficient amount of monies in said fund to pay said compensation or expenses at the time same is due under the provision of this act.

Section 2. All laws and parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. This act shall become effective as to all of its provisions as of June 30, 1951, upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved August 15, 1951.

Time: 5:21 P. M.

Act No. 420

H. J. R. 91—Merrill

HOUSE JOINT RESOLUTION

WHEREAS, there is a pressing need for a survey and analysis of the judicial system of the State of Alabama looking towards the establishment of a more perfect system,

AND, WHEREAS, the Alabama State Bar in recognition of this fact is undertaking a comprehensive program in this regard and desires to be aided and advised by a committee from the judiciary committees of both the House of Representatives and the Senate of Alabama,

NOW, THEREFORE, BE IT JOINTLY RESOLVED by the House of Representatives and the Senate of Alabama, that the Chairman of the Judiciary Committee of the House of Repre-

sentatives and the Chairman of the Judiciary Committee of the Senate, together with three other members of each such committee, to be appointed by their respective chairmen, do constitute a special committee of the legislature of the State of Alabama to consider all matters concerning the judicial system of this state, the organization of the courts, both trial and appellate, the consolidation of courts, and their jurisdiction, procedure, officers and terms, juries and jury commissions, times of meeting, the number of circuits, the number and locations of courts inferior to the circuit courts, the work performed by the judges and officials of all courts and the costs thereof. This committee may work independantly, or in conjunction with the Alabama State Bar and shall report by bill or otherwise at the regular session of the Legislature to be held in 1953. It may also report at any time its findings and recommendations to the Board of Commissioners of the Alabama State Bar or to its Annual Convention.

Approved August 15, 1951.

Time: 5:22 P. M.

Act No. 421

H. 177—Summerlin

AN ACT

For the relief of Robert F. Free and to appropriate for the said Robert F. Free the sum of \$2500.00 to compensate him for severe and permanent injuries and the loss of use of a leg and expenses incident thereto, sustained by him while in the employ of the State Highway Department.

Be It Enacted by the Legislature of Alabama:

Section 1. That out of any funds in the State Treasury, not otherwise appropriated, there is hereby appropriated the sum of \$2500.00 for the relief of Robert F. Free on account of severe and permanent injuries and the loss of the use of a leg sustained by him while in the employ of the State Highway Department of Alabama and while engaged in his duties as such employee on June 22, 1938 and to compensate for him expenses incurred by him in the treatment of his said injuries.

Section 2. That upon the passage of this act and its approval by the Governor, or its otherwise becoming law, the State Comptroller is hereby authorized, empowered and directed to draw a warrant for the sum of \$2500.00 to the said Robert F. Free for said purposes.

Approved August 15, 1951.

Time: 5:23 P. M.

AN ACT

To regulate through licensure the business, occupation, or calling of real estate brokers and real estate salesmen: defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling; providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. **SHORT TITLE.** This Act may be cited as "The Alabama Real Estate Licence Law of 1951."

Section 2. **LICENSE REQUIRED.** It shall be unlawful for any person to engage in the business, occupation, or calling of a real estate broker or real estate salesman without a license as provided herein.

Section 3. **DEFINITIONS.** (a) As used in this Act, unless the context requires a different meaning, "person" includes partnerships, associations, firms, and corporations; "real estate broker" includes any person who, for a fee, commission, or other valuable consideration, or who with the intention or expectation of receiving or collecting a fee, or commission, or other valuable consideration, lists, sells, purchases, exchanges, rents, leases, options, or auctions real estate or the improvements thereon, or negotiates or attempts to negotiate any real estate transaction, or advertises or holds himself out as engaged in the real estate business; "real estate salesman" means a person employed or engaged by or on behalf of a licensed real estate broker to do any act or deal in any activity regulated by this Act, for compensation or otherwise.

(b) Provided, however, this Act shall not be applicable (1) To any person, or to regular employees thereof, who, as a bona fide owner or lessor, performs any act with reference to property owned or leased where such acts are performed in the regular course of, or as an incident to the management of such property and the investment therein; (2) To an attorney at law performing his duties as an attorney at law; (3) To any person holding in good faith a duly executed power of attorney from the owner, authorizing the consummation of a sale, purchase, lease, or exchange of real estate; (4) To any person acting as a receiver, trustee, administrator, executor, or guardian under a court order or under a deed of trust or will; (5) To any public officer performing his official duties; (6) To any person who buys real estate and acquires title in his name or in his wife's name and sells for a profit.

Section 4. COMMISSION MEMBERSHIP, TERM OF OFFICE, VACANCIES, ETC. (a) There is hereby created the Alabama Real Estate Commission. The Commission shall consist of five members appointed by the Governor. Each appointee shall have been a resident and citizen of this state for at least ten years prior to his appointment and whose vocation for at least ten years shall have been that of a real estate broker or real estate salesman. No person convicted of a violation of Title 46, Sections 298 thru 311, Code of Alabama, 1940, or of this Act shall be eligible to serve. Not more than one member from any Congressional District shall be appointed to serve at the same time. The members of the Commission appointed under authority of Title 46, Section 300, Code of Alabama, 1940, and whose term does not expire prior to October 1, 1951, shall serve until their respective terms expire, and at the expiration of each term, the Governor shall appoint a member to fill the vacancy and such appointment shall be for a term of five years, or until their successor is appointed and qualifies. On October 1, 1951, the Governor shall appoint or reappoint one Commissioner for a period of three years, one Commissioner for a period of four years, and one Commissioner for a period of five years, all appointments expiring on September 30th of the respective years, or until their successors are appointed and qualify. Thereafter, any appointment shall be for a period of five years, or until such Commissioners' successor is appointed and qualified.

(b) Immediately upon the appointment of any new Commissioner, the Commission shall organize by selecting from its members, a chairman, and may do all things necessary and convenient for carrying into effect the provisions of this Act and may from time to time promulgate rules and regulations that are necessary to properly administer this Act. Each member of the Commission shall receive as full compensation for his services, the sum of Twenty Dollars per day for each day actually spent on the work of the Commission and his actual and necessary expenses incurred in the performance of duties pertaining to his office. No member shall be entitled to receive more than 5 per diems in any calendar month.

(c) The Commission shall employ a Secretary and such clerks, investigators, and assistants as it shall deem necessary to discharge the duties imposed by the provisions of this Act and to effect its purposes, and the Commission shall determine the duties and fix the compensation of such Secretary, clerks, investigators and assistants, subject to the general laws of the state.

(d) The Commission shall adopt a seal by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by the seal of said Commission, shall be received in evidence in

all courts equally and with like effect as the original. All records kept in the office of the Commission under authority of this Act shall be open to public inspection under reasonable rules and regulations as shall be prescribed by the Commission.

Section 5. QUALIFICATIONS OF LICENSEES. (a) Licenses shall be granted only to persons who are trustworthy and competent to transact the business of a real estate broker or real estate salesman in such manner as to safeguard the interests of the public. Every applicant for a license as real estate broker or real estate salesman shall be a person who has not been convicted of a criminal offense involving moral turpitude in this or any other state and shall so state on his application. The applicant must be a person whose application has not been rejected in this State within two years prior to date of application, or whose license has not been revoked by this Commission or the Commission of any other state.

(b) Each real estate broker must sign a statement to the effect that he accepts the responsibility for the actions covered by this Act of any and all salesmen licensed under him, and it shall be the duty and responsibility of every broker to see that all transactions of every salesman licensed under him comply with the provisions of this law and the designated broker must handle the closing of all transactions of any salesman licensed under him or be responsible for same.

(c) Every applicant for real estate broker's license, either original or renewal, shall furnish bond payable to the State of Alabama, in the amount of Two Thousand Dollars (\$2,000.00) with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of Two Thousand Dollars (\$2,000.00) any judgment which may be recovered against such licensee for loss or damages arising from his activities as such real estate broker. Said bond to be filed with the Alabama Real Estate Commission prior to the issuance of such license.

(d) Every applicant for real estate salesman's license, either original or renewal, shall furnish bond payable to the State of Alabama, in the amount of One Thousand Dollars (\$1,000.00), with a surety company authorized to do business in Alabama, which bond shall provide that the obligor therein will pay to the extent of One Thousand Dollars (\$1,000.00) any judgment which may be recovered against such licensee for loss or damages arising from his activities as such real estate salesman. Said bond to be filed with the Alabama Real Estate Commission prior to the issuance of such license.

(e) In the event either a broker or a salesman shall, at any time after issuance of bond required hereinbefore, have such bond forfeited for any violation of this Act, their license shall be

automatically suspended upon notice from Bonding Company to this effect. In cases of revocation of license the Commission shall hold a hearing on the cause for the forfeiture by the Bonding Company and the Commission shall have full power to revoke said license or continue the suspension or lift said suspension. The hearings shall be conducted as hereinafter provided. No application for license as broker or salesman shall be accepted by the Alabama Real Estate Commission until three years from date of revocation, and then only upon filing application as in the first instance, meeting all requirements of an original broker or original salesman, and such application must have the approval of the majority of the Commission before issuance.

Section 6. APPLICATION FOR LICENSE. (a) Every applicant for a real estate broker's license shall apply therefor in writing upon blanks prepared by the commission and shall contain such data and information as the Commission may require.

(b) Such application shall be accompanied by the recommendation of at least three citizens who are property owners for at least three years, who have known the applicant for three years, and are not related to the applicant, certifying that the applicant bears a good reputation for honesty and trustworthiness, and recommending that a license be granted to the applicant.

(c) Such application shall include the names and addresses of at least three references, other than the recommendees signing the application, from each County where the applicant may have resided or been engaged in business for the preceding five years, which references must be property owners, not related to applicant, and who will certify that the applicant bears a good reputation for honesty and trustworthiness, and recommending that a license be granted to the applicant.

(d) Every applicant for a salesman's license shall apply therefor in writing upon blanks prepared by the Commission and shall contain such data and information as the Commission may require. The application shall be accompanied by a sworn statement by the broker in whose employ the applicant desires to enter, certifying that, in his opinion, the applicant is honest, trustworthy of good reputation, and recommending that the license be granted to the applicant and accepting responsibility for the actions of such salesman as set out in Section 5 of this Act.

(e) Every applicant for a salesman's license shall furnish evidence to the effect that he is a bona fide resident of the State of Alabama or shall show evidence of having previous experience in real estate or a directly related line in another state.

(f) Each application for original license shall also be accompanied by a photograph of the applicant in such form as the Commission shall prescribe.

Section 7. NON-RESIDENT LICENSES. A non-resident of

the state may become a real estate broker or real estate salesman by conforming to all the provisions of this Act, except that such non-resident broker or salesman regularly engaged in the real estate business as a vocation and who maintains a definite place of business and is licensed in some other state, which offers the same privileges to be licensed brokers of this State, shall not be required to maintain a place of business within this state. All requirements of Section 5 and Section 6 of this Act must be complied with by all non-resident applicants, including the taking of the prescribed examination for broker or salesman. Every non-resident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court of any county of the state in which a cause of action may arise, in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this state, or any member of the Commission, or the Secretary, said consent stipulating and agreeing that such service of such process or pleading shall be taken and held in all courts to be as valid and binding as if due service had been made upon said applicant in this state. Said consent shall be duly acknowledged, and if made by a corporation, shall be authenticated by the seal of such corporation. Any service of process or pleading shall be by duplicate copies, one of which shall be filed in the office of the Commission and the other immediately forwarded by registered mail to the last known main office of the applicant against whom said process or pleading is directed, and no default in any such proceedings or action shall be taken except upon affidavit certification of the Commission or the Secretary, that a copy of said process or pleading was mailed to the defendant as herein required, and no judgment by default shall be taken in any such action or proceeding until after thirty days from the date of mailing of such process or pleading to the non-resident defendant.

Section 8. WRITTEN EXAMINATIONS. (a) In addition to proof of honesty, trustworthiness and good reputation of any applicant for a license, every applicant for real estate broker or real estate salesman shall submit to a reasonable written examination to be conducted by the Commission, Provided, however, that any person who has been actively engaged in the real estate business as a real estate broker or real estate salesman for any portion of the fiscal year 1950-51 (October 1, 1950 through September 30, 1951) and is thus engaged in this State at the time this Act goes into effect, may secure a license as a real estate broker or a real estate salesman without an examination, provided further, that such person shall make application to the Commission for registration within ninety days after the effective date of this Act. The Commission shall conduct examinations at least once monthly in Montgomery and time of same shall be set by the Commission. The fee for such examination shall be Twenty-Five (\$25.00) Dollars for each and every examination

taken by any applicant and no refund shall be made in the event applicant fails the examination, but such fee shall be deposited to the account of the Alabama Real Estate Commission.

(b) In event the license of any real estate broker or salesman shall be revoked by this Commission, subsequent to the enactment of this Act, no new license shall be issued to such person, unless he meets all requirements of this Act and complies with all provisions of this Act.

(c) No person shall be permitted or authorized to act as a real estate broker or salesman until he has qualified by examination, except as hereinbefore provided, and until he actually receives in his possession the license certificate and identification card issued by the Alabama Real Estate Commission.

(d) If the applicant is a partnership, association or corporation, said examination shall be submitted to on behalf of said partnership, association or corporation, by the member or officer thereof who is designated in the application as the person to receive a broker's license by virtue of the issuance of a license to the partnership, or association or corporation, provided that where more than one member of such partnership, or association or corporation shall be actively engaged in the real estate business, each must meet the requirements set out in Section 5 of this Act, either as broker or salesman.

(e) Upon satisfactorily passing such examination, and complying with all other provisions of this law, and conditions of this Act, a license shall thereupon be issued to the successful applicant, and upon actually receiving such license certificate and identification card, is authorized to conduct the business of a real estate broker or real estate salesman in this State.

Section 9. PLACE OF BUSINESS. (a) All licenses issued to real estate brokers shall designate the address of their principal place of business, and all licenses issued to real estate salesmen shall designate the employer of such salesman. Prompt notice in writing, within ten days, shall be given to the Commission by any real estate salesman of the change of employer, and request for transfer from the licensed broker into whose employ the salesman is about to enter, and a new license shall thereupon be issued by the Commission to such salesman for the unexpired term of the original license, upon the return to the Commission of the license previously issued. It shall be the duty and responsibility of each real estate broker to return the salesman's license certificate issued under him, together with a statement as to whether or not he has any objections to the issuance of a transfer or new license, either as salesman or broker, to the salesman, and if he has any objections, same shall be clearly set out in said letter. The license of a broker shall be automatically cancelled if he fails to return the license certificate of a sales-

man and forward required letter within ten days, and before said license can be reinstated he must appear before the Alabama Real Estate Commission to give reasons for failure to return said license certificate. The license of such salesman shall be returned upon termination of employment, transfer to another broker or any change that would affect the license as issued. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this Act either directly or indirectly after his employment has been terminated and license as salesman has been returned for cancellation; until another license has been issued by the Alabama Real Estate Commission, and he has actually received his license certificate and identification card.

Section 10. LICENSE FEES AND DETAILS RELATING TO LICENSES. (a) The Commission shall issue to each licensee a license in such form and size as shall be prescribed by the Commission. This license shall show the name and address of the licensee and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the Commission, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed, and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to conspicuously display his license and those of his salesmen in his place of business as set out in Section 9 (a). The Commission shall prepare and deliver to each licensee a pocket card, which card, among other things, shall contain an imprint of the seal of the Commission, and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the case may be, and if it is a real estate salesman's card, shall also contain the name of his employer. The matter to be printed on such pocket card, except as above set forth, shall be prescribed by the Commission.

(b) The following fees or licenses shall be paid in all counties of the State of Alabama: The original fee for each real estate broker's license shall be Fifteen (\$15.00) Dollars, and the annual renewal fee for each real estate broker's license shall be Fifteen (\$15.00) Dollars. The original fee for each real estate salesman's license shall be Ten (\$10.00) Dollars and the annual renewal fee for each real estate salesman's license shall be Ten (\$10.00) Dollars. Provided, that when a co-partnership, association or corporation shall have paid an original fee of \$15.00 or a renewal fee of \$15.00 and shall have designated one of its members or officers as hereinbefore provided in this Act, the fees payable by any other member or officer actively engaged in the real estate business of such co-partnership, association or corporation, shall be \$10.00 for the first registration fee and \$10.00 for the renewal

fee, for which a salesman's license shall be issued, after applicant has met all requirements for salesman as hereinbefore set out, but any such member or officer shall be entitled to a broker's license upon the payment of the usual fee therefor and after meeting all of the requirements hereinbefore set out for a real estate broker in this Act.

(c) Every applicant for a license as original broker or original salesman shall forward, in addition to the fees provided for in Section 10 of this Act, the examination fee of Twenty-Five (\$25.00), which shall be in a separate certified check, postal note or post office money order. If the applicant fails to pass the first examination, he may be eligible to take another examination after sixty days have expired, however, no refund will be made of any examination fee paid as hereinabove set out. In the event an applicant fails to pass a second examination, he will not be eligible to take a third or further examination until one year from the date of the last examination has passed.

(d) Every license issued by this Commission shall expire at midnight, on the thirtieth (30) day of September of each year. The Commission shall issue a new license for said ensuing year, in absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual renewal fee therefor, as herein required.

(e) For each additional office or place of business other than the principal place of business of a broker, the annual fee of Fifteen (\$15.00) Dollars therefor shall be due.

Section 11. REAL ESTATE COMMISSION FUND. All fees and charges collected by the Alabama Real Estate Commission under the provisions of this Act shall be paid into the State Treasury, and shall constitute a separate fund to be disbursed by the State Comptroller on order of the Secretary of the Commission. All expenses incurred by the Commission under the provisions of this Act, including the compensation of members, secretaries, clerks and assistants shall be paid out of the separate fund in the State Treasury upon warrants of the State Comptroller drawn upon the State Treasurer from time to time when vouchers therefor are exhibited and approved by the Secretary. The State Treasurer is directed to pay money out of the separate fund hereinabove provided for upon the order of the Secretary of the Commission, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the State Treasury. The appropriation herein made shall be subject to the provisions of the Budget System Act.

Section 12. GROUNDS FOR REFUSAL, SUSPENSION OR REVOCATION OF LICENSE. The Commission may, upon its own motion and shall upon the verified complaint in writing, of

any person, hold a hearing for the refusal of license, or the suspension or revocation of a license previously issued. The Commission shall have full power to refuse a license, for cause or to revoke or suspend a license where it has been obtained by false or fraudulent representation, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

- (a) Making any substantial misrepresentations, or
- (b) Making any false promises of a character likely to influence, persuade or induce, or
- (c) Pursuing a continued and flagrant course of misrepresentation, or making of false promises through agents or salesmen or any medium of advertising or otherwise, or
- (d) Any misleading or untruthful advertising, including the unauthorized use of the term "Realtor" by one not a member of the Alabama Real Estate Association and National Association of Real Estate Boards, or using any other trade name or insignia of membership in any real estate organization, of which the licensee is not a member, or
- (e) Acting for more than one party in a transaction without the knowledge of all parties for whom he acts, or
- (f) Failing, within a reasonable time, to account for or to remit any moneys coming into his possession which belong to others, or co-mingling of moneys belonging to others with his own funds. A complete record must be kept of all such funds showing to whom the money belongs, date deposited, date of withdrawal and other pertinent information concerning the transactions. All such funds and records shall be subject to inspection by any duly authorized member or employee of the Alabama Real Estate Commission.
- (g) Conviction in a court of competent jurisdiction of this or any other state of forgery, embezzlement, obtaining money under false pretenses, extortion, conspiracy to defraud or other like offense or offenses, or
- (h) Of displaying a "for sale" or "for rent" sign on any property without the owner's consent.
- (i) Of failing to use forms containing information which shall be set out by the Alabama Real Estate Commission.
- (j) Of failing to furnish voluntarily copies of all listing and agreement of sale contracts to all parties executing the same, or
- (k) Paying any profit, compensation or commission to any person other than a licensed real estate broker or real estate salesman.

(1) Paying or receiving any rebate from any person in a real estate transaction.

(m) Inducing any party to a contract, sale or lease to break such contract for the purpose of substituting in lieu thereof a new contract, where such substitution is motivated by the personal gain of the licensee, or

(n) Accepting a commission or valuable consideration as a real estate salesman for the performance of any of the acts specified in this Act, from any person, except his employer, who must be a licensed real estate broker.

(o) For failing to display a sign on the outside of his designated place of business with letters thereon of not less than four inches, stating that he is engaged in the real estate business and such sign shall be conspicuously displayed so as to notify the public that he is engaged in the real estate business.

(p) For any broker who allows a salesman to post signs on property advertising themselves as real estate agents without the name of the employing broker appearing thereon in letters of the same or larger size than the name of the salesman, or for any salesman posting signs on property advertising himself or herself as a real estate agent without the name of their employing Broker appearing thereon in letters of the same or larger size than the name of the salesman.

(q) For presenting to the Alabama Real Estate Commission as payment for fee or examination, a check that is returned unpaid.

(r) For a broker advertising by liner advertisements or otherwise to sell, buy, exchange, rent, lease, list or mortgage property in a manner indicating that the offer to sell, buy, exchange, rent, lease, list or mortgage such property is being made by a private party, not engaged in the real estate business, and no advertisement shall be inserted in any publication where only a post office box number, telephone number or street address appears. Every broker, shall, when advertising real estate or a business opportunity, either through liner advertisements, or otherwise, affirmatively and unmistakably indicate that the party advertising is a real estate broker and not a private party. Provided, however, that a broker, if he is the owner of the property which he is advertising, has all the rights of a non-broker owner.

(s) For salesmen advertising to purchase any property or offering for sale, rent or lease any property under their own name as all advertising must be under the direct supervision and in the name of the employing Broker. Provided, however, that a salesman if he is the owner of the property which he is advertising, has all the rights of the non-salesman owner.

(t) For a real estate broker or real estate salesman to accept a

listing based on "Net Price." In cases where owners wish to list in this manner, the usual commission is to be added and the listing is to be taken in this manner.

(u) Any act or conduct, whether of the same or a different character than hereinabove specified, which constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealing.

Section 13. HEARINGS. (a) Upon complaint initiated by the Commission or filed with it, the licensee shall be given fifteen days notice of hearing upon the charges filed, together with a copy of the complaint. The applicant or licensee shall have an opportunity to be heard thereon in person or by counsel, to offer testimony in his behalf and to examine witnesses appearing in connection with the complaint. Hearings shall be held by the Commission in the County in which the applicant or licensee maintains his principal place of business. At such hearings, all witnesses shall be sworn by a member of the Commission or the Secretary. The Commission shall render a decision on any complaint within sixty days from the final hearing on such complaint and shall immediately notify the parties to the proceedings, in writing, its ruling, order or decision. In the event the matter contained in the complaint shall have been filed or made a part of a case pending in any court in this State, the Commission may then withhold its decision until the court action has been disposed of.

(b) The Commission is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers in cases where specific charges are pending. The process issued by the Commission shall extend to all parts of the State, and such process shall be served by any person designated by the Commission for such service, or by mailing same by Registered Mail. In the event any person serves such process, they shall receive such compensation as may be allowed by the Commission, not to exceed the fee prescribed by law for similar services. All witnesses who shall be subpoenaed, and who shall appear in any proceedings before the Commission, shall receive the same fees and mileage as allowed by law and all such fees shall be taxed as part of the costs of the case.

(c) Where in any proceeding before the Commission, any witnesses shall fail or refuse to attend upon subpoena issued by the Commission, shall refuse to testify, or shall refuse to produce any books and papers as herein provided, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any circuit court of this State, in manner as are enforced the attendance and testimony of witnesses in civil cases in the courts of this State.

Section 14. APPEAL. (a) Any applicant or licensee, or person aggrieved, shall have the right of appeal from any adverse ruling, order or decision of the Commission to the Circuit Court of the County of the residence of the applicant or licensee, within thirty days from the service of notice of the action of the Commission upon the parties in interest. Any cause when so appealed shall be tried de novo in the Circuit Court.

(b) Any order, rule or decision of the Commission shall not take effect until after the time for appeal to said Court shall have expired. In event an appeal is taken by a licensee or applicant, such an appeal shall act as a supersedeas and the court shall dispose of said appeal and enter its decision promptly.

(c) Any person taking an appeal shall post a satisfactory bond in the amount of two hundred dollars and shall file with the Board of Commissioners or the Secretary, a notice in writing that he appeals to the Circuit Court with at least one solvent surety, conditioned to prosecute such appeal to effect, and upon failure so to do, to pay all costs and damages which may be adjudged against him by the Circuit Court on such appeal.

Section 15. PUBLICATION OF ROSTER. The Commission shall at least annually publish a list of the names and addresses of all licensees licensed by it under the provisions of this Act, and all persons whose license has been suspended or revoked within one year together with such other information relative to the enforcement of the provisions of this Act as it may deem of interest to the public. One of such lists shall be mailed to the Probate Judge of each County of the State, and shall be held by said Probate Judge as a public record. Such lists shall also be mailed by the Commission to any person in the State upon request.

Section 16. REAL ESTATE COURSES. The Commission is hereby authorized to conduct or hold or to assist in conducting or holding real estate courses or institutes, and to incur and pay the necessary expenses in connection therewith, which courses or institutes shall be open to any licensee.

Section 17. SECRETARY'S BOND. The Secretary, appointed by the Commission, shall give bond in such sum and with such surety as the Commission may direct and approve.

Section 18. PENALTIES FOR VIOLATION. Any person violating a provision of this Act shall, upon conviction of a first violation thereof, if a person, be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for a term not to exceed ninety days, or both; and if a corporation, be punished by a fine of not more than \$1,000. Upon conviction of a second or subsequent violation, if a person, shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment

for a term not to exceed two years, or both; and if a corporation, be punished by a fine of not less than \$2,000 nor more than \$5,000. Any officer or agent of a corporation, or any member or agent of a partnership or association, who shall personally participate in or be accessory to any violation of this Act by such corporation, partnership or association, shall be subject to the penalties herein prescribed for individuals. Any court of competent jurisdiction shall have full power to try any violation of this act and upon conviction the court may impose the penalties herein provided for in this section.

Section 19. RULES AND REGULATIONS. The Commission may act by a majority of the members thereof, and authority is hereby given to the Commission to adopt, fix, and establish all rules and regulations in its opinion necessary for the conduct of its business, the holding of hearings before it, and otherwise generally for the enforcement and administration of the provisions of this Act.

Section 20. UNCONSTITUTIONALITY: SEVERANCE. If any section, subsection, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions. The legislature hereby declares that it would have passed this Act, and each section, subsection, sentence, clause or phrase and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements be declared unconstitutional.

Section 21. Nothing in this Act contained shall affect the power of the State, County, or Municipality, to tax, license and regulate reale state brokers or salesman. The requirements hereof shall be in addition to the requirements of any existing or future law or ordinance of any state, county or municipality so taxing, licensing, or regulating real estate brokers or salesmen.

Section 22. Sections 298 through 311, Code of Alabama, 1940, and all laws or parts of laws in conflict with this Act, be and the same are hereby repealed.

Section 23. This Act shall become effective on the first day of October, 1951.

Approved August 15, 1951.

Time: 5:24 P. M.

Act No. 423

H. 581—Wood

AN ACT

Relating to counties having populations of not less than fourteen nor more than sixteen thousand inhabitants according to the last or any subsequent federal census; authorizing the governing body of any such

county to provide for the employment of a deputy clerk in the office of the Clerk of the Circuit Court.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than fourteen nor more than sixteen thousand inhabitants according to the last or any subsequent federal census is hereby authorized to provide sufficient funds monthly from the county treasury for the employment of a deputy clerk in the office of the Clerk of the Circuit Court of the county. The deputy clerk shall be appointed by the Circuit Clerk, and the governing body of the county shall fix the deputy's salary at not less than one hundred dollars nor more than one hundred fifty dollars per month, said salary to be paid from the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:25 P. M.

Act No. 424

S. 509—Robison

AN ACT

To authorize all counties in the State of Alabama having a population of not less than 96,000 and not more than 141,000, according to the last Federal decennial census, or which shall hereafter have such population according to any Federal census, that may hereafter be taken, to make appropriations and expend out of their funds and revenues an amount not exceeding \$200.00 per annum to aid in the care of or for infirm sick persons, where such infirm sick persons are cared for within the corporate limits and police jurisdiction of any city situated within such county, who are unable to provide and care for themselves.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to all counties in the State of Alabama having a population of not less than 96,000 and not more than 141,000, according to the last Federal decennial census, or which may hereafter have such population according to any Federal decennial census that may hereafter be taken, and shall not apply to, nor have application to any other counties. Any such county may make appropriations and expend out of its funds or revenues an amount not exceeding \$200.00 per annum to aid in the care of or care for infirm sick persons, where such infirm sick persons are cared for within the corporate limits and police jurisdiction of any city situated within such county, who are unable to provide and care for themselves.

Section 2. The appropriations hereby authorized are in addition to, and not in lieu of, any appropriation now or hereafter authorized.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 15, 1951.

Time: 5:07 P. M.

Act No. 425

S. 505—Robison

AN ACT

To authorize all cities in the State of Alabama having a population exceeding 78,000 and not exceeding 125,000 inhabitants, according to the latest federal decennial census, or which shall hereafter have such population according to any such census that may hereafter be taken, to make appropriations and expend out of their revenues an amount not in excess of two hundred dollars (\$200) per year to aid in the care of, or care for, infirmed sick persons within the corporate limits and police jurisdiction of such cities who are unable to provide and care for themselves.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to and have application in all cities in the State of Alabama having a population exceeding seventy-eight thousand and not exceeding one hundred twenty-five thousand inhabitants according to the latest federal decennial census or which shall hereafter have such population according to any federal decennial census that may hereafter be taken and shall not apply to, or have application in, any other city. Any such city may make appropriations and expend out of its revenues an amount not in excess of two hundred dollars (\$200) per year to aid in the care of, or care for, infirmed sick persons within the corporate limits and police jurisdiction of such city who are unable to provide and care for themselves.

Section 2. The appropriations hereby authorized are in addition to and not in lieu of any appropriations now or heretofore authorized.

Section 3. This act shall become effective on the date the regular 1950 federal census becomes effective in Alabama, as provided by the present laws of the State of Alabama or any subsequent laws.

Approved August 15, 1951.

Time: 5:17 P. M.

Act No. 426

S. 235—Pinson, Golson, Bonner, Quarles,
 Locke (Choctaw), Locke, Sr.
 (Perry), Johnston, Andrews, Sol-
 lie, Byars, Eddins, High, Foster,
 Thagard

AN ACT

To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment of Section 181 of the Constitution of Alabama is proposed to become valid as a part of the said Constitution when approved by a majority of the qualified electors voting thereon at the election provided for in Section 2 hereof, the result of such election to be made known by proclamation of the Governor.

AMENDMENT

“Section 181. The following persons, and no others, who, if they are citizens of the United States over the age of Twenty-one years and have the qualifications as to residence prescribed in Section 178 of this Article, shall be qualified to register as electors provided they shall not be disqualified under Section 182 of this Constitution: those who can read and write any Article of the Constitution of the United States in the English language which may be submitted to them by the Board of Registrars, provided, however, that no persons shall be entitled to register as electors except those who are of good character and who embrace the duties and obligations of citizenship under the Constitution of the United States and under the Constitution of the State of Alabama, and provided, further, that in order to aid the Members of the Boards of Registrars, who are hereby constituted and declared to be Judicial Officers, to judicially determine if applicants to register have the qualifications hereinabove set out, each applicant shall be furnished by the Board of Registrars a written questionnaire, which shall be uniform in all cases with no discrimination as between applicants, the form and contents of which questionnaire shall be prescribed by The Supreme Court of Alabama and be filed by such Court with the Secretary of State of the State of Alabama, which questionnaire shall be so worded that the answers thereto will place before the Boards of Registrars information necessary or proper to aid them to pass upon the qualification of each applicant. Such questionnaire shall be answered in writing by the applicant, in the presence of the Board without assistance, and there shall be incorporated in such answer an oath to support and defend the Con-

stitution of the United States and the Constitution of the State of Alabama and a statement in such oath by the applicant disavowing belief in or affiliation at any time with any group or party which advocated the overthrow of the government of the United States or the State of Alabama by unlawful means, which answers and oath shall be duly signed and sworn to by the applicant before a member of the County Board of Registrars. Such questionnaire and the written answers of the applicant thereto shall be filed with the records of the respective Boards of Registrars. The Board may receive information respecting the applicant and the truthfulness of any information furnished by him. Those persons who have registered as electors under the Alabama Constitution of 1901 shall not be required to register again. Provided, further, that if solely because of physical handicaps the applicant is unable to read or write, then he shall be exempt from the above stated requirements which he is unable to meet because of such physical handicap, and in such cases a Member of the Board of Registrars shall read to the applicant the questionnaire and oaths herein provided for and the applicant's answers thereto shall be written down by such Board Member, and the applicant shall be registered as a voter if he meets all other requirements herein set out."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the State in which a newspaper is published, and in every county in which no newspaper is published a copy of such notice shall be posted at the courthouse for four successive weeks next preceding the day appointed for the election.

Section 4. Such amendment shall be known as the "Voters Qualification Amendment".

Constitutional Amendment.

Passed the Senate May 25, 1951.

Passed the House August 14, 1951.

Act No. 427

S. 413—Andrews, Todd, Smith, Locke, Sr. (Perry), Locke (Choctaw), Thagard, Farmer, Benson, Foster, Norrell, Jones, Hollis, Faulkner, Pinson, Fant, Johnson (Chambers), Larkins

AN ACT

Proposing to amend further Section 284, Article XVIII, Constitution of Alabama (1901), which relates to the mode of amending the Constitution.

Be It Enacted by the Legislature of Alabama:

1. Section 284, Article XVIII, Constitution of Alabama (1901), as amended, is amended further to read as follows:

“Section 284. Amendments may be proposed to this constitution by the legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all of the members elected to that house shall vote in favor of the proposed amendments, the legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the legislature at which the amendments are proposed or upon another day appointed by the legislature, not less than three months after the fiscal adjournment of the session of the legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the governor, which shall be published in every county in such manner as the legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of the general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the secretary of state, and counted, in the same manner as in elections for representatives in the legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the pro-

posed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this constitution. The result of such election shall be made known by proclamation of the governor. Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments; provided, the legislature may fix the number of senators, not exceeding one for each county, and divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, with no county to be divided between districts and no district to be made up of counties which are not contiguous to each other, such district to elect one senator and no more."

2. An election upon the proposed amendment is ordered to be held on the first Tuesday following the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940).

3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment.

Passed the Senate July 26, 1951.

Passed the House August 14, 1951.

Act No. 428

H. 936—Payne, Leonard

AN ACT

To provide a civil service system governing the appointment, removal, promotion, demotion, tenure and official conduct of the employees of the City of Sylacauga, including the chiefs and superintendents of all departments, and excluding the common laborers; providing for the examination and appointment and promotion of members of the departments on a competitive merit basis; providing for the establishment of a Civil Service Board of Sylacauga composed of three members; providing for the appointment of the members of the Board by the Governor, prescribing their qualifications and fixing their compensation; prescribing the powers and duties of the Board and authorizing it to make rules and regulations for the administration of the Act; providing for hearings before the Board in cases of demotions or dismissals; prohibiting political activities by covered employees of the City of Sylacauga and prohibiting rewards to covered employees thereof for political support; requiring members of the police department to make bond; and prescribing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. The employees of the City of Sylacauga, including the chiefs and superintendents of all departments, and excluding the common laborers in all departments, shall be under and governed by civil service regulations under the direction and supervision of a board as hereinafter provided, and all persons who may hereafter be elected or appointed as officers or members of such departments, or may hereafter be employed by any department thereof shall thereafter remain and continue in their respective employments as such municipal officers and employees of said city during good behavior, efficiency, and obedience to such reasonable rules and regulations as may from time to time be prescribed by the Civil Service Board which is herein provided for, and as is hereafter provided. Nothing herein contained shall be construed to prevent or preclude removal of any officer, member, or employee of any of the departments by the Civil Service Board for cause, in the manner hereinafter prescribed.

Section 2. The word "employee" as used herein shall mean all persons employed by the City of Sylacauga, in the administrative and general government division of said city, in all the departments of the city, and in the city hospital, and shall include the city clerk, the superintendents of departments, and the fire and police chiefs. The word "employee" for the purposes of this Act does not include common laborers in any department. The Civil Service Board herein created shall determine what employees of the city shall be classified as common laborers. With reference to the police department, the following definitions shall apply as used herein: The word "patrolman" as used herein shall mean and apply to all motorcycle officers, drivers of automobiles used by the police department, and all other members of the police department below the grade of sergeant but shall not include detectives. The word "officer" as used herein shall mean and apply to all members of the police department of the grade of sergeant, detective, captain, assistant chief of police, and the chief of police. The words "members of the police department" shall mean and include all officers, patrolmen, and detectives, and wardens if detailed to warden's duty from the ranks of patrolmen or officers. With reference to the fire department, the following definitions shall apply as used herein: The words "members of the fire department," or "members of the fire departments," as used herein shall mean and include the chief of the fire department, assistant chiefs of the fire department, captains, lieutenants, engineers, assistant engineers and firemen, and all others who are regularly carried on the pay roll of such fire department except hostlers and helpers; and in addition to those specifically named hereinbefore as members of said departments, such others as such board may find and designate to properly be such members, respectively.

Section 3. Within fifteen days after January 1, 1952, the governor of the State of Alabama shall appoint three persons who shall constitute and be known as the Civil Service Board of Sylacauga, Alabama, one to hold office for a term from the date of his appointment and qualification until and including the first Monday in April of the year next succeeding his appointment and until his successor shall be appointed and shall qualify as hereinafter provided; one to hold office for a term from the date of his appointment and qualification until and including the first Monday in April of the second year next after his appointment and until his successor shall be appointed and shall qualify as hereinafter provided, and one to hold office for a term from the date of his appointment and qualification until and including the first Monday in April of the third year next after his appointment and until his successor shall be appointed and shall qualify; and in each year thereafter the governor of the State of Alabama shall, in like manner, appoint one person as the successor to the member of said Civil Service Board whose term shall expire that year. Such person so appointed shall hold office for a term of three years, from and including the first Tuesday after the first Monday in April of said year and until his successor shall be appointed and shall qualify for office. Appointments to fill vacancies on said Board shall be made by the governor for the unexpired term. Any member of said Board whose term shall expire shall be eligible for reappointment. Two members of said Board shall constitute a quorum. No person shall be eligible to be a member of said Civil Service Board who shall not, at the time of his appointment, be over twenty-five years of age and an actual resident in and qualified voter of said city. No person shall be eligible to be a member of said Board who holds any office of profit under the State, City, or County.

Section 4. Every person who shall be appointed as a member of said Civil Service Board according to the provisions of this Act shall, within fifteen days thereafter, qualify by making oath that he is eligible for said office and will execute the duties of the same according to his best knowledge and ability. Such oath shall be administered by any person authorized to administer oaths, and a copy thereof filed with the city clerk.

Section 5. The Civil Service Board shall make rules and regulations to carry out the purpose of this act, and for examinations, appointments, and removals in accordance with its provisions and the board may, from time to time, make changes in the existing rules. The city clerk, superintendents of departments, the chief of police and the chief of the fire department shall, from the membership of their respective departments, recommend for promotion such person or persons as the occasion may call for to fill any vacancy or vacancies that may occur in said respective departments, and all such vacancies shall be filled and all such promotions shall be made by the Civil Service Board.

The board may make rules and regulations relating to eligibility for promotion. The city clerk, superintendents of departments, the chief of the police department and the chief of the fire department shall have authority in their respective departments to demote any member of the respective departments by and with the consent and approval of the Civil Service Board, provided however, that upon written demand filed with the Civil Service Board within five days from the date of the order of demotion the person whom it is proposed to demote shall be given a public hearing by the Civil Service Board before any order of demotion shall be final. The city clerk, superintendents of departments, the chief of the police department and the chief of the fire department shall have authority to suspend any member of their respective departments, pending the hearing by the Civil Service Board. In the event any vacancy shall occur in the office of city clerk, of the superintendent of any department, of chief of the police department or chief of the fire department, such vacancy shall be filled by the Civil Service Board. In the event there is a reduction in the number of employees employed by any department of the city, the men last employed shall be the first to be dropped, and so on in succession; provided that the number of patrolmen in the police department who are qualified as motorcycle patrolmen shall not thereby be reduced below the number which may from time to time be determined by the governing body of such city as needed for motorcycle patrolmen; provided, further, that the number of men in the fire department who are qualified as mechanics shall not thereby be reduced below the number which may from time to time be determined by said governing body of said city as needed for mechanics in said department.

Section 6. All applicants for a place or position with any department of the city shall file their application in writing with the Civil Service Board, said applications to be on the blank forms furnished by the board, and all applicants must be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits, and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire.

Section 7. The board shall control all examinations, and whenever an examination is to take place, shall conduct such examination. Every applicant for examination shall pay to the city clerk the sum of one dollar and fifty cents, and the receipt therefor shall be attached to his application.

Section 8. The city clerk, superintendents of departments, chief of police, and the chief of the fire department, shall notify

the Civil Service Board of vacancies in their departments, respectively, and the board shall furnish the city clerk and the respective superintendents and chiefs with the name and address, or names and addresses, of the candidate or candidates standing highest on the eligible list, and same shall receive the appointment or appointments to fill such vacancy or vacancies. All appointments shall be on probation for a period of six months from date of appointment. Before the expiration of the period of probation, the city clerk, superintendents of departments, chiefs of the fire and police departments, respectively, may, by and with the consent of the board, discharge any probationer in his respective department upon assigning in writing his reasons therefor to the board. If a probationer be not discharged before the expiration of his probation, his appointment shall be deemed complete.

Section 9. The civil service board may, in an emergency, or in cases where it deems proper, authorize the city clerk, superintendents of departments, chief of police, and the chief of the fire department to appoint for temporary service such number of employees as in the opinion of the governing body of said city the existing conditions demand. All officers appointed for the police force shall be furnished with badges, said badge to be different in size and design from the regulation badges used by the regular members of the police and detective force, and must have the words "special officer" across the face of them in large letters. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges, and at the expiration of their appointment shall cause all such badges to be taken up. It shall be unlawful for any person to have in his possession any commission or any badge of a police officer of said City of Sylacauga unless same has been issued to him by the Civil Service Board.

Section 10. It shall be a violation of the provisions of this act for any official, officer, or other person to issue, give, or lend one of the regulation police or detective badges to any person other than a regularly employed police officer or detective of the city.

Section 11. No employee of any department of the city shall be removed or discharged, nor shall the city clerk, superintendent of any department, chief of the police department nor the chief of the fire department, be removed, discharged, or demoted, except for cause, upon written charges or complaint and after an opportunity to face his accusers and be heard in his own defense. Such charges shall be investigated by and before the civil service board after not less than five days' notice in writing with a copy of such charges shall have been given to the person charged, and the hearings thereof and thereon shall be public. The decision of the board thereon shall be given in writing to the accused, and

shall be spread on the minutes. In all proceedings before the Civil Service Board the city attorney may appear and represent the interest of the city when ordered to do so by the Civil Service Board. Any attorney secured by the person or persons making the charge or accusation shall be allowed to represent the prosecution, and any attorney selected by the accused shall be allowed to represent the accused. Any person may be served with a subpoena to appear and testify, or to produce books and papers relevant to such investigation before the Civil Service Board, such subpoena to be issued as subpoenas are now issued and provided for in the circuit courts of this state; and anyone who shall refuse or neglect to appear and testify, or produce such books and papers relevant to such investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and punished as misdemeanors are punished under the laws of the State of Alabama. The fees of witnesses for attendance and travel shall be the same as fees for witnesses before the circuit courts of this state, and shall be paid from the treasury of the city.

Section 12. The Civil Service Board shall elect one of its members as chairman who shall hold office as such chairman at the pleasure of the board. The Civil Service Board shall hold regular meetings on the third Mondays in January, April, July, and October for the transaction of business, and may hold special, adjourned, or called meetings at any time. All meetings of the board shall be held in the City Hall unless otherwise provided by said board.

Section 13. The Civil Service Board shall keep minutes of their meetings and records of all business transacted by them at each and every meeting. All such minutes and records shall be open for inspection at all times by the city clerk, superintendents of departments, chief of police, the chief of the fire department, and any member of the governing body of the city.

Section 14. The compensation of the Civil Service Board shall be ten dollars for each member for each meeting attended, not to exceed one hundred dollars per annum per each member. The city council or other governing body of such city shall provide for the salaries and expenses of the Civil Service Board and shall provide in the annual budget an estimated appropriation to cover the salaries and expenses of such board.

Section 15. No employee of the city shall solicit orally, or by letter or otherwise, or receive, or be in any manner concerned in soliciting or receiving any assessment or subscription or contribution for any candidate, political party or political purpose whatsoever.

Section 16. No employee of the city, or other person, shall in any wise undertake or threaten to degrade, discharge, or promote, or in any manner change the official rank or pay of any

other employee of the city, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or any valuable thing for any party or for any political purpose whatsoever. No employee of the city shall receive any promotion as a reward for his support of any candidate or political party. No employee of any department shall be reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 17. No recommendation by any officer or official, whether said officer or official be a city, county, state or national officer or official, shall be considered by any person concerned in any examination or appointment under this act, except as to the general moral character of the applicant.

Section 18. Any person in the service of the city by appointment under civil service rules who shall wilfully, or through culpable negligence, violate any of the provisions of this act, and who shall be found guilty after a trial before the Civil Service Board, shall be dismissed from the service of the city, and shall not be subject to reappointment for two years. Any officer or employee of the city other than those holding office under the civil service rules, who shall wilfully or through culpable negligence, violate any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined in a sum not less than fifty dollars, nor more than five hundred dollars, unless same be otherwise provided therein, and the office so held by such person, by force of such conviction, shall be rendered vacant, and such person shall not again be allowed to hold any office or place of employment under the city thereafter for two years. Any other person who shall wilfully, or through culpable negligence violate any of the provisions of this act shall be guilty of a misdemeanor, and shall on conviction be punished by a fine in the sum of not less than fifty dollars and not exceeding five hundred dollars.

Section 19. Every employee of said city who is such an employee on the day upon which this act goes into effect shall retain his position without examination, and be subject to all the conditions and benefits of this civil service law.

Section 20. No person shall be eligible to take the civil service examination or to appointment as an employee of the city, who is not a citizen of the United States, or who has ever been convicted of a felony, or who does not possess a good moral character.

Section 21. No applicant for a position on the police force who has fulfilled all other requirements of this act and been appointed to a position as a member of the police department of said city shall enter upon the discharge and performance of his duties as a member of such police department until he has filed with the

city clerk of said municipality a bond conditioned according to the law relating to official bonds, in the following penal sums: chief of police, assistant chief of police, and all other members of the police department, one thousand dollars each. Unless such bond is furnished by such appointee as above prescribed, within ten days from the date he is appointed by such civil service board, his appointment shall be vacated by said board, unless said board, for good cause shown, shall grant said appointee additional time, not to exceed ten additional days, within which to procure the execution of such bond and file same. The bonds of such officers shall be paid for by the city.

Section 22. The Civil Service Board shall draw and have printed such rules and regulations for the government of the said departments, in accordance with the provisions of this act, as may seem necessary. The board shall have the power and authority to fix the maximum and minimum age limits of applicants for examinations, and may specify the weight, height, etc., required of all applicants.

Section 23. The violation of any of the provisions of this act by any person or persons is hereby declared to be a commission by such person or persons of a misdemeanor; and unless otherwise provided herein, any person who commits such misdemeanor must, on conviction, be fined not more than five hundred dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county wherein such misdemeanor is committed for not more than six months, at the discretion of the court.

Section 24. Each section of this act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause, or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause, or provision of this act which is not of itself void or unconstitutional.

Section 25. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Section 26. This act shall become effective from and on January 1, 1952, after its approval by the Governor, or upon its otherwise becoming a law under Section 125 of the Constitution.

Approved August 17, 1951.
Time: 10:27 A. M.

Act No. 429

H. 958—Shelton, Morgan (Tuscaloosa)

AN ACT

To levy a privilege or license tax upon the sale, distribution delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 94,000 and not more than 110,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax at, or at the rate of one and one-half cents on each twelve fluid ounces or fractional part thereof of the above mentioned beverages; to provide that such tax shall be paid to the Probate Judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to any county having a population of not less than 94,000 and not more than 110,000 inhabitants according to the preliminary count of the 1950 or any subsequent decennial census of the United States. This Act shall not have the effect of altering or repealing in anywise any statute now in effect, but shall be in addition to and cumulative of all laws now in effect. This Act shall not have the effect of legalizing the sale, distribution, delivery, storage, taking out of storage, or possession in said County of any beverage now or hereafter prohibited by law.

Section 2. Definitions. When used in this Act: (a) The term "person" means and includes every natural person, firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee or officer thereof, singular or plural. (b) The term "distributor" and the term "seller" each shall mean and include any person, as the word "person" is herein defined, who is engaged in the business of selling, distributing, delivering, storing, or taking out of storage, malt or brewed beverages, as the words "malt or brewed beverages" are herein defined, within the county; provided, however, the terms "distributor" and "seller" shall not mean and include the Alabama Alcoholic Beverage Control Board, nor the members, officers, or employees thereof while engaged in the performance of their duties under the Alabama Beverage Control Act, nor any liquor store or warehouse established, operated and maintained by the said Alabama Alcoholic Beverage Control Board under said Act. (c) The term "malt or brewed beverages" means and includes any beer, lager beer, ale, porter, near beer, or similar fermented malt liquor; provided, however, said term shall not include root beer.

Section 3. The tax levied by this Act shall be in addition to all other taxes and licenses now imposed by law. Every distributor or seller of malt or brewed beverages shall in addition to all other taxes and licenses now imposed by law, pay a li-

cense tax to the county, and a license tax is hereby fixed and created which shall be a sum and amount equal to one and one-half cents on each twelve fluid ounces or fractional part thereof of malt or brewed beverages sold, distributed, delivered, stored, or taken out of storage within the county; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of malt or brewed beverages, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical beverage; provided further, however, that any distributor or seller, in order to be exempt under this provision shall first comply with the provisions of subsection (b) of this section. (b) Any distributor or seller of malt or brewed beverages, selling, distributing, delivering, storing, or taking out of storage malt or brewed beverages purchased from any other distributor or seller of malt or brewed beverages who has paid the license tax thereon as fixed in sub-section (a) of this section shall not be required to pay such license; provided, however, that in order to obtain such exemption such distributor or seller claiming such exemption must, on or before the 15th of September, 1951, and on or before the 15th day of each and every calendar month thereafter, file with the Probate Judge of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption; such statement to be made in form prescribed by the Probate Judge. (c) Each and every distributor or seller of malt or brewed beverages, except such as claim and obtain exemption under the provisions of subdivision (b) of this section, shall, on or before the 15th day of September, 1951, and on or before the 15th day of each and every month thereafter, file with the Probate Judge and License Inspector of the county, on forms prescribed by the Probate Judge, a written statement, sworn to and subscribed by such distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of malt or brewed beverages made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, the brand of such malt or brewed beverages, the quantity of each brand of such malt or brewed beverages,

ages, the size and kind of containers of each brand of such malt or brewed beverages, the date or dates on which purchased, received, or procured; and which also shall contain a detailed, itemized statement showing the name and address of each and every distributor, or seller, or other person to whom any malt or brewed beverages are sold, distributed or delivered by such distributor or seller, together with the quantity of each brand of malt or brewed beverages, sold, distributed or delivered to each, the size and kind of containers of each brand of such malt or brewed beverages, and the date or dates on which sold, distributed or delivered; and any distributor or seller failing, refusing, or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense. (d) The license herein fixed and prescribed in sub-section (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such license under the provisions hereof, on or before the 15th day of each calendar month, at the time of filing the statement required by sub-section (c) of this section, which license shall be based on the sale, distribution, delivery, storage and taking out of storage, of malt or brewed beverages, during the calendar month next preceding; and any person failing, refusing, or omitting to pay such license within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition to the other penalties herein provided for, there shall be added to such license tax a penalty of twenty percentum of the amount thereof for such delinquency, said penalty to be paid to the License Inspector.

Section 4. It shall be unlawful for any distributor, or seller, or any person having no place of business within the county to make any sale, distribution, or delivery of malt or brewed beverages within the county without first having obtained a permit to do so from the Probate Judge of the county; and such person, distributor, or seller shall be liable for and subject to the license tax fixed and specified in Section 3 of this Act; provided, however, that nothing contained in this section or in any other part of this Act shall authorize any sale, distribution, or delivery of malt or brewed beverages within the county if such sale, distribution, or delivery is prohibited by any other laws of this State. The License Inspector shall have authority to seize any and all malt or brewed beverages upon which the tax levied herein has not been paid, provided that this provision shall not apply to malt or brewed beverages in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment into a county not subject to the provisions of this Act. After such seizure, the License Inspector shall commence condemnation proceedings by filing a bill in equity in the circuit court of such county praying that such malt or brewed beverages be forfeited

and sold. Any person, firm, corporation or association of persons in whose possession said malt or brewed beverages have been found or who shall claim to own the same, or any interest therein, shall be made a party defendant to said bill, and thereupon such matter shall proceed and be determined in equity in the circuit court of the proper county. After the malt or brewed beverages are condemned and forfeited as being in violation of the provisions of this Act, the court shall direct in its decree that said malt or brewed beverages shall be delivered to the purchasing agent or authority of such county to be sold by said purchasing agent or authority at public outcry to the highest bidder for cash, after three days' notice of such sale by posting a notice on any bulletin board located within the courthouse of the county where such malt or brewed beverages were received. The proceeds of such sale shall be paid by the purchasing agent or authority to the probate judge and the probate judge shall distribute such moneys as are received by him from the purchasing agent or authority in the same manner as other moneys are distributed by him as provided in this Act. From any decree or judgment of the circuit court, in equity, condemning any such malt or brewed beverages any party or parties aggrieved thereby may appeal to the Court of Appeals of Alabama within fifteen days from the time of such decree or judgment upon giving security for the costs of such appeal. And from any judgment or decree of the circuit court, in equity, denying the condemnation and seizure of any such malt or brewed beverages, the License Inspector of such county may likewise appeal within fifteen days without the giving of any bond. When any person, firm, corporation or association, or the License Inspector appeals the malt or brewed beverages involved shall remain in the custody of the License Inspector until a final determination of the cause or appeal. Upon any decree of condemnation and seizure, the court shall direct that the costs of the proceeding be paid by the person in whose possession said malt or brewed beverages were found, or by any person or party who claims to own the same, or any interest therein, and who contests its condemnation and seizure.

Section 5. It shall be unlawful and shall constitute a misdemeanor for any distributor or seller to engage or to continue in business as such distributor or seller at any time when he is in default in the payment of the license tax required to be paid by this Act: and each day during which a distributor or seller, then in default of said license tax, shall engage in such business shall constitute a separate offense.

Section 6. None of the provisions of this Act shall apply to acts or transactions which constitute interstate commerce, nor shall any provision hereof apply to United States or other Government business.

Section 7. It shall be unlawful for any person to act as agent,

servant or employee for any distributor or seller who is delinquent in the payment of the license tax required by this Act to be paid, in engaging in or assisting in carrying on the business for which the distributor or seller is required to pay such license tax, and each day such agent, servant or employee shall engage in or assist in carrying on such business shall constitute a separate offense.

Section 8. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the Probate Judge and the License Inspector of the county thirty days notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the Probate Judge or his authorized deputy, auditor, or representative, or by the License Inspector of the county, it shall be the duty of any such person subject to the license tax imposed by this act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this Act does not have in such person's control or possession, within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection and examination as herein required, then, in either event, it shall be the duty of the License Inspector of the county to ascertain, from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give such person no-

tice of said assessment and to demand of such person immediate payment of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within 10 days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business as a distributor or seller, and each day's engagement in such business shall constitute a separate offense. (d) It shall be unlawful for any person connected with the administration of this Act to divulge any information obtained by him in the course of the inspection and examination of the books, invoices, reports, papers, or memoranda of the license taxpayer made pursuant to the provisions hereof, except to a person thereunto duly authorized by the governing body of a municipality of such county or to the Judge of Probate, the county attorney, the License Inspector or others connected with the administration of this Act, or unless required under proceedings or orders of any competent court. (e) Every person before engaging in the business of a wholesale distributor of malt or brewed beverages in any county subject to the provisions of this act shall file with the Probate Judge a bond in the approximate sum of twice the average monthly tax estimated by the Probate Judge which will be due by the applicant. The bond shall be in such form and amount as may be approved by the Probate Judge, shall be executed by a surety company licensed and duly authorized to do business in Alabama, shall be payable to the county subject to the provisions of this act, and be conditioned upon the prompt filing of true reports, and the payment by the applicant to the Probate Judge of the license tax herein fixed, provided, and levied on the sale, distribution or withdrawal from storage of malt or brewed beverages on which a tax is herein imposed, together with all penalties and interest thereon, and generally upon faithful compliance with the provisions of this act. Upon the filing of such application and bond and approval of the latter, the Probate Judge shall issue a permit to applicant to engage in such business so long as applicant may be not in default in compliance with the provisions of this act. It shall be unlawful and constitute a misdemeanor for any person to engage in the business of a wholesale distributor of malt or brewed beverages in any such county without first having filed the bond and secured the permit as required herein. (f) In the event the liability upon any bond filed under the provisions of this act shall be discharged or reduced, whether by judgment rendered, payment made, or otherwise, or if in the opinion of the Probate Judge any surety on the bond, therefore given which becomes unsatisfactory or unacceptable, then the Probate Judge may require the filing of a new or additional bond conditioned as hereinabove provided and in the event of the failure of any distributor, within ten days of written notice to it by the Probate Judge, to file such new or

additional bond, the Probate Judge shall revoke the permit issued to such person. (g) If upon a hearing had before the Probate Judge after five days written notice to any distributor, the Probate Judge shall decide that the amount of any existing bond filed by any distributor is insufficient, the Probate Judge may order such distributor to file, within ten days after written notice by the Probate Judge to such distributor, a new or additional bond in such amount as the Probate Judge upon said hearing may find reasonably necessary to insure payment of all amounts due or to become due the county, conditioned as hereinabove provided, and if such new or additional bond is not filed within ten days after such notice from the Probate Judge, the Probate Judge may revoke the permit already issued to such distributor and the Probate Judge shall immediately notify the License Inspector. (h) The Probate Judge may reduce the amount of any bond upon written application of any distributor if satisfied that a bond in a reduced amount will insure payment of all amounts due, or to become due under this act, to the county, but in no event shall he reduce such bond to an amount less than double the amount of the tax liability of the principal for the preceding month. (i) Any surety on any bond furnished by any distributor, as above provided, shall be released and discharged from any and all liability to the county accruing on such bond after the expiration of sixty days from the date upon which surety shall have filed with the Probate Judge written request to be released and discharged, provided, however, that such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue before the expiration of said sixty day period. The Probate Judge shall promptly upon receipt of notice of such request notify the distributor who furnished such bond of the request of the surety on said bond, and unless such distributor shall, on or before the expiration of such sixty day period, file with the Probate Judge a new bond in the amount and form hereinbefore in this section provided, the Probate Judge shall forthwith cancel the permit of said distributor.

Section 9. It shall be unlawful for any person to knowingly or willfully make or exhibit any false written affidavit, certificate or statement as to the amount of stock on hand or volume of gross receipts, revenues or business done, or as to any other fact, and to file such affidavit or statement with or exhibit the same to the Probate Judge, the License Inspector, or any employee of the county for the purpose of defrauding the county by avoiding the payment of the license tax required to be paid by this Act.

Section 10. The license tax required to be paid by this Act shall be paid to the Probate Judge of the county and shall, by him, be distributed as follows: One percent of said net tax collected first shall be paid to the Probate Judge as additional

compensation for performing the duties herein prescribed for the collection and distribution of said tax, one per cent of said net tax collected shall then be paid to the License Inspector for the enforcement of the provisions of this Act. The remainder of said tax, after first deducting the two percent as above provided, shall be paid into the general fund of the county.

Section 11. Any person violating any of the provisions of this Act, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00) and may also be sentenced to hard labor for the county for not exceeding six months, either or both. It shall be the duty of the Probate Judge to receive the license tax herein levied and to make distribution as herein provided. It shall be the duty of the License Inspector to enforce the provisions of this Act and to check the books, records, etc. of any such person subject to the license tax imposed by this Act, and the Probate Judge shall furnish the necessary report forms, for the person subject to the license tax imposed by this Act, on which to make his monthly report to the Probate Judge and License Inspector, the expense of furnishing said forms to be paid for out of the general treasury of the county.

Section 12. If, for any reason, any clause, sentence, subsection or section, or provision of this Act, or the application thereof to any person or circumstance is held invalid or inoperative, the remainder of the Act and the application thereof to any other person and circumstances shall not be effected thereby.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 17, 1951.

Time: 2:20 P. M.

Act No. 430

S. 64—Thagard, Foster, and Skidmore

AN ACT

To amend Title 14, Section 390, of the Code of Alabama of 1940 which relates to salary of the State Toxicologist.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 14, Section 390, of the Code of Alabama 1940 be, and the same is hereby amended to read as follows:

"Section 390. Salary.—The salary of the state toxicologist shall be Seven Thousand Five Hundred Dollars, (\$7,500.00) per annum payable out of the funds provided therefor in the general appropriation bill or out of any funds in the State Treasury not otherwise appropriated, and as the salaries of other state officers are paid. The state toxicologist shall be furnished with an office

and laboratory at the expense of the State, and shall also be allowed all necessary expenses for the equipment and conduct of his office and laboratory, including stenographic and laboratory assistance, and such expenses as may be incurred from traveling within or without the state for the purpose of carrying out the provisions of this chapter. Such expenses are to be paid by warrants approved by the governor, and shall be limited in amount to the sum provided therefor in the general appropriation bill. All funds expended under the provisions of this article shall be budgeted and allotted in accordance with the provisions of Title 55, Chapter 4, Article 3 of the Code of Alabama of 1940."

Section 2. That this Act shall become effective on October 1, 1951.

Approved August 17, 1951.

Time: 10:35 A. M.

Act No. 431

H. 831—Coburn

AN ACT

Relating to Colbert County: Authorizing municipal corporations in the county to establish, purchase, construct, maintain and operate telephone systems and to furnish telephone service to residents of the municipal corporations and surrounding territory; prescribing their powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporations in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in Colbert County.

Section 2. Any municipal corporation in Colbert County shall have the right to establish, purchase, construct, maintain and operate a telephone system and to furnish telephone service to their residents and residents of surrounding territory.

Section 3. Any municipal corporation is authorized to construct, lease, purchase or otherwise acquire telephone lines for the furnishing of telephone service from any point in this State or any other State to said municipal corporation and surrounding territory.

Section 4. For the purposes of this Act any municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. a) In payment for the purchase, construction, acquisition, extension or maintenance of such telephone system any municipal corporation may issue its bonds in the manner provided by law.

b) Any municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidences of indebtedness incurred or issued by it for the construction, acquisition, extension or maintenance of a telephone system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms or corporations owning such debts, bonds or securities.

d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgages or deeds of trust.

Section 6. Any municipal corporation furnishing telephone service pursuant to this Act shall have the right to require any person furnishing telephone service to the public in this State to interconnect the telephone lines, facilities or systems furnishing such service with, or otherwise make available such lines, facilities or systems to the municipal corporation's telephone lines, facilities or systems in order to provide a continuous line of communication for the municipal corporation's subscribers. In the event such person and the municipal corporation shall be unable

to agree upon the terms and conditions of such interconnection, including compensation therefor, the Alabama Public Service Commission, upon the request of the municipal corporation, shall establish such terms and conditions which shall be reasonable and nondiscriminatory.

Section 7. Each municipal corporation shall have all the power and authority necessary and proper to the exercise of the powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 8. Any municipal corporation transacting business pursuant to this Act shall be exempt in all respects from the jurisdiction and control of the Alabama Public Service Commission.

Section 9. All laws or parts of laws in conflict with this Act are repealed.

Section 10. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 10:20 A. M.

Act No. 432

H. 834—Fite (Marion)

AN ACT

Relating to Marion County: Authorizing municipal corporations in the county to establish, purchase, construct, maintain and operate telephone systems and to furnish telephone service to residents of the municipal corporations and surrounding territory; prescribing their powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such municipal corporations in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting municipal corporations transacting business pursuant to the Act from the jurisdiction and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall apply only in Marion County.

Section 2. Any municipal corporation in Marion County shall have the right to establish, purchase, construct, maintain and operate a telephone system and to furnish telephone service to their residents and residents of surrounding territory.

Section 3. Any municipal corporation is authorized to construct, lease, purchase or otherwise acquire telephone lines for the furnishing of telephone service from any point in this State or any other State to said municipal corporation and surrounding territory.

Section 4. For the purposes of this Act any municipal corporation may exercise the right of eminent domain. Such eminent domain proceedings shall be conducted in the manner now provided by law.

Section 5. (a) In payment for purchase, construction, acquisition, extension or maintenance of such telephone system any municipal corporation may issue its bonds in the manner provided by law.

(b) Any municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds or other evidence of indebtedness incurred or issued by it for the construction, acquisition, extension or maintenance of a telephone system may execute a mortgage or deed of trust upon any or all of such system and all property used in connection therewith, including the franchise or any part thereof.

(c) Such mortgage or deed of trust may contain such terms, conditions, covenants and warranties for the protection of the municipal corporation and holders of such bonds or securities issued by such municipal corporation as may be determined and agreed upon by the governing body of the municipal corporation and persons, firms, or corporations, owning such debts, bonds or securities.

(d) Such mortgages may provide that in the event of the foreclosure of such mortgage or deed of trust, that the purchaser at such foreclosure sale may acquire the right, privilege and franchise of operating such system as may be so sold or conveyed, and such purchaser or his vendee may have the right, authority and privilege to carry on and operate such system in the same manner, on the same terms and to the same extent as the municipal corporation is authorized to operate until the municipal corporation may redeem such system from such mortgage sale.

(e) Such mortgage or deed of trust may provide that during the ownership of the system by the municipal corporation, its control of the service of the system shall not be diminished or interfered with by the grant of any other franchise for the operation of any other plant or system for similar purposes; and that such rates and charges shall be established and maintained as are sufficient to meet the costs of operation and maintenance; and such municipal corporation may pledge all of the receipts, earnings and revenues from the operation of the system for the payment of the debts, bonds or other evidences of indebtedness secured by such mortgage or deeds of trust.

Section 6. Any municipal corporation furnishing telephone service pursuant to this Act shall have the right to require any person furnishing telephone service to the public in this State to interconnect the telephone lines, facilities or systems furnishing such service with, or otherwise make available such lines, facilities or systems to the municipal corporation's telephone lines, facilities or systems in order to provide a continuous line of communication for the municipal corporation's subscribers. In the event such person and the municipal corporation shall be unable to agree upon the terms and conditions of such interconnection, including compensation thereof, the Alabama Public Service Commission, upon the request of the municipal corporation, shall establish such terms and conditions which shall be reasonable and non-discriminatory.

Section 7. Each municipal corporation shall have the power and authority necessary and proper to the exercise of the powers conferred on it by this Act and in effectuating the purposes of this Act.

Section 8. Any municipal corporation transacting business pursuant to this Act shall be exempt in all respects from the jurisdiction and control of the Alabama Public Service Commission.

Section 9. All laws or parts of laws in conflict with this Act are repealed.

Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.
Time: 10:21 A. M.

Act No. 433

H. 116—Tumlin, Thomason

AN ACT

To amend Sections 420 and 421 of Title 14 of the Code of Alabama (1940), as amended, which relate to Sunday violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 420, Title 14, Code of Alabama (1940) is hereby amended to read as follows: "Any person who compels his child, apprentice, or servant to perform any labor on Sunday, except the customary domestic duties of daily necessity or comfort, or works of charity; or who engages in shooting, hunting,

gaming, card playing, or racing on that day; or who, being a merchant or shopkeeper, druggist excepted, keeps open store on that day, shall be fined not less than ten nor more than one hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months. The provisions of this section do not apply to the running of railroads, stages, or steamboats, or other vessels navigating the waters of this state, or any manufacturing establishment which is required to be kept in constant operation; and nothing herein shall prevent the sale of gasoline or other motor fuels or motor oils on Sunday. Provided, that it shall be lawful to engage in motorcycle and automobile racing on Sunday, whether admission is charged or not, except that this proviso shall not be construed to prevent any municipality from passage of ordinances prohibiting such racing on Sunday."

Section 2. Section 421, Title 14, Code of Alabama (1940) as amended, is further amended to read: "Any person or persons who play or engage in the playing of any baseball, football, tennis, or golf on Sunday, in any public place or places where people resort for such purpose, shall be guilty of a misdemeanor, and shall be fined not less than twenty-five dollars nor more than fifty dollars. Provided, that it shall be lawful in cities whose population is not less than fifteen thousand inhabitants nor more than sixty thousand inhabitants, according to the last or any subsequent federal census, and within the police jurisdiction thereof, to engage in the playing of tennis, golf, and in operating moving picture shows on Sunday whether admission is charged or not. In any such city, the acts or any of them herein referred to may be prohibited by an ordinance passed by the governing body of such city. The governing body of such city must as a part of such ordinance provide that there shall be submitted to the qualified electors of such city at the next election held for any purpose, primary, special, or general, on a special ballot, separate questions as to whether or not the act or acts so prohibited shall be permitted or prohibited. If a majority of the qualified electors participating in such election shall vote in favor of permitting any one or all of the acts prohibited by such ordinance, such ordinance as to such act or acts shall thereafter be of no force or effect and such acts shall be lawful in such city and within the police jurisdiction thereof. After any election held under the preceding provisions of this section, the governing body of any such city may by ordinance provide at the next election held in such city for any purpose, or for a special election for the submission on a special ballot to the qualified electors of such city the question or questions as to whether any act or acts which a majority of the qualified electors of such city, participating therein at any election had voted in favor of prohibiting, may by ordinance be declared to be lawful. If a majority of the qualified electors participating in such election shall vote in favor of per-

mitting any of the acts, herein referred to, on Sunday, the governing body of such city must so provide by ordinance. The cost of ballots, and of all special elections held hereunder must be paid by the city. Provided further, that it shall be lawful in cities of sixty thousand population, or more, according to the last, or any subsequent federal census, to play or engage in playing football, tennis, golf, and to operate moving picture shows and vaudeville on Sunday, whether admission is charged or not. In any such city the acts herein permitted may be prohibited by an ordinance passed by the governing body of such city on the written petition therefor of not less than one-fourth of the qualified electors of such city, if, at an election, held on the day on which the next general election for governor is held, a majority of the qualified electors participating in such election shall vote in favor of the ratification of such ordinance. Such ordinance shall not be effective unless and until it is ratified by such vote at such election. Provided still further, that it shall be lawful to engage in motorcycle and automobile racing on Sunday, whether admission is charged or not, except that nothing herein shall be construed to prevent any municipality from passage of ordinances prohibiting such racing on Sunday. And provided further, it shall be lawful to engage in the playing of baseball on Sunday, whether admission is charged or not, but nothing herein shall be construed to prevent any municipality from the passage of ordinances prohibiting the playing of baseball on Sunday."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 10:22 A. M.

Act No. 434

H. 876—Malone (Limestone)

AN ACT

Relating to Limestone County; amending Section 2 of the Act approved July 27, 1931 (Act No. 541, S. 578, Local Acts, 1931, p. 258) entitled "An Act To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and ap-

pointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act."

Be It Enacted by the Legislature of Alabama:

Section 2 of the Act approved July 27, 1931 (Act No. 541, S. 578, Local Acts, 1931, p. 258) entitled "An Act To create and establish a Board of Revenue in and for Limestone County, Alabama, to be composed of five members, one of whom shall be chairman of said board; to fix the qualifications of the chairman and the members of said board; to provide where the chairman and members of said board shall reside during their term of office; to abolish the Court of County Commissioners of said County; to divide said County into four districts and to define the boundaries of each of said districts; to designate, declare and appoint a member from each of said districts and to define the term of office of each of said members of the Board of Revenue so designated, declared and appointed; to provide for the appointment of the chairman of said board and to fix the term of his office under said appointment; to provide for the filling of vacancies in said board; to provide for the nomination of the chairman and each member of said board; to provide for the election of the chairman of the said board and the members designated, declared and appointed by this Act at the expiration of their respective terms of office; to define the power and jurisdiction of the said board; to fix the compensation of the chairman and members of said board; to confer upon the said board all the jurisdiction, power and authority granted by law to Courts of County Commissioners, Boards of Revenue or other governing bodies of like name or authority in this State; to repeal all laws in conflict with this Act" is amended to read as follows:

"Section 2. That for the purpose of this Act and the enforcement thereof, the said County of Limestone is hereby divided into four (4) subdivisions, to be known as Districts, and numbered respectively from one (1) to four (4) both inclusive. District Number one (1) shall include the following territory: Beginning at the Northeast corner of Limestone County, being also the Northeast corner of Township 1, South, Range 3 West and running thence west along the State line a distance of about thirteen and three-fourths ($13\frac{3}{4}$) miles to the center of Elk River, thence in a Southerly direction with said river to the point where said river intersects the south boundary of Township 1, South, Range 5 West, thence east with said Township line about four (4) miles to a point where the south boundary of Township 1, South, Range 4, West intersects the Athens-Bethel Road, thence in a southerly direction with said road and Jefferson Street to the intersection of Jefferson and Market

Streets at the Northwest corner of the courthouse square, thence with the center of Market Street east to Clinton Street, thence with center of Clinton Street North to Pryor Street, thence in a northeasterly direction with the center of Pryor Street and the Bee Line Highway to the west boundary of Range 3, West, thence north with said range line about one and one-fourth ($1\frac{1}{4}$) miles to the Southwest corner of Section 19, Township 2, South, Range 3 West, thence east along the section line a distance of six (6) miles to the Southeast corner of Section 24, Township 2 South, Range 3 West, which is the east boundary of Limestone County, thence North with said east boundary a distance of ten (10) miles to point of beginning. District Number two (2) shall include the following territory: Beginning in the center of the Tennessee River and at the Southeast corner of Limestone County and running thence north along the east boundary of Limestone County a distance of twenty and one-fourth ($20\frac{1}{4}$) miles, thence west with the section line a distance of six (6) miles to the west boundary of Range 3 West, thence south along said range line one and one-fourth miles to the center of the Bee Line Highway, thence in a southwesterly direction with said Highway and Pryor Street to the intersection of Pryor and Clinton Streets in the City of Athens, thence south along the center of Clinton Street to the center of Market Street, thence west along the center of Market Street to the Center of Marion Street at the Northeast corner of the Courthouse square, thence south along the center of Marion Street to the center of Washington Street, at the Southeast corner of the Courthouse square, thence east along the center of Washington Street to the center of the L & N Railroad where it crosses the said Washington Street, thence south along the center of said railroad to the center of the Huntsville-Brownsferry Road, which is the south boundary of Township 3, South, Thence east along the center of the Huntsville-Brownsferry Road a distance of about three and one-half ($3\frac{1}{2}$) miles to center of Piney Creek, thence in a southerly direction along the center of Piney Creek to the center of the Southern Railroad where it crosses said creek, thence in a south-westerly direction along the center of the Southern Railroad to the center of the Tennessee River, thence in a southeasterly direction with the center of the Tennessee River to the point of beginning. District Number three (3) shall include the following territory: Beginning at a point on the west boundary of Limestone County, said point being in the center of Elk River where the said west boundary intersects the center of said river and running thence with the center of Elk River to the center of the Tennessee River, thence in a southeasterly direction with the center of the Tennessee River to the center of the Southern Railroad, thence in a northeasterly direction with the center of the Southern Railroad to the center of Piney Creek, thence in a northerly direction with the center of Piney Creek to the center of the Huntsville-Brownsferry Road, thence west with the center of the

Huntsville-Brownsferry Road to the center of the L & N Railroad, thence north along the center of the L & N Railroad to the center of Washington Street in the city of Athens, thence west along the center of Washington Street to Jefferson Street; thence in a northerly direction with the center of Jefferson Street and the center of Elkmont-Bethel Road to the South boundary of Township 1, South, thence west with the township line to the southwest corner of Township 1, South, Range 4 West, thence south with the range line to the southeast corner of Section 36, Township 2 South, Range 5 West, thence with the south boundary of Township 2 to the center of Elk River, thence along center of Elk River to the west boundary of Limestone County which is the point of beginning. District Number four (4) shall include the following territory: Beginning at the Northwest corner of Limestone County the same being the northwest corner of Township 1 South, Range 6 West and running thence south along the line which separates Lauderdale and Limestone Counties to the center of Elk River, thence in an easterly direction along the center of Elk River to the southwest corner of Section 35, Township 2 South, Range 6 West, thence east along the Township line a distance of eight (8) miles to the southeast corner of Township 2, South, Range 5 West; thence north a distance of six (6) miles to the Southeast corner of Township 1, South, Range 5 West, thence west with the township line to the center of Elk River, thence in a northerly direction with the center of Elk River to the Northern boundary of Limestone County, thence west along the State Line a distance of about ten and one-fourth (10¼) miles to the point of beginning."

Approved August 17, 1951.

Time: 10:25 A. M.

Act No. 435

H. 955—Payne, Leonard

AN ACT

To fix the salary of the Probate Judge of all counties in the State having a population of not less than 63,750 nor more than 72,500 according to the preliminary count of the 1950 Federal Census or any subsequent decennial census of the United States.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Probate Judge in all counties of the State having not less than 63,750 and not more than 72,500 population according to the preliminary count of the 1950 Federal Census or any subsequent decennial census of the United States shall be Seventy-Two Hundred (\$7,200.00) Dollars per year in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon the expiration of the term of office of the incumbent Judge of Probate in said counties.

Approved August 17, 1951.

Time: 10:23 A. M.

Act No. 436

H. 938—Roberts, Russell

AN ACT

To fix the salary of the County Superintendent of Education of Morgan County, Alabama, at the sum of FORTY-EIGHT HUNDRED DOLLARS (\$4800.00), beginning upon the approval of this Act.

Be It Enacted by the Legislature of Alabama:

That, beginning with the approval of this Act by the Governor, the salary of the County Superintendent of Education of Morgan County shall be the sum of FORTY-EIGHT HUNDRED DOLLARS (\$4800.00) per year, and shall be paid by the County Board of Education of Morgan County, Alabama, at the time and in the manner provided by the general laws of this State for the payment of salaries of County Superintendents of Education.

Approved August 17, 1951.

Time: 10:03 A. M.

Act No. 437

H. 937—Russell, Roberts

AN ACT

To fix the compensation of the members and the Chairman of the Board of Revenue and Control of Morgan County, Alabama, and to provide the period during which this act shall be effective.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Board of Revenue and Control of Morgan County, Alabama shall each receive an annual salary of three thousand six hundred dollars (\$3,600), to be paid in equal monthly installments on the second Monday in each month, in addition to the mileage now allowed them by law for attending regular meetings of said Board.

Section 2. The Chairman of the Board of Revenue and Control of Morgan County, Alabama shall receive as compensation for his services an annual salary of five thousand two hundred dollars (\$5,200), to be paid in monthly installments on the second Monday in each month.

Section 3. This Act shall become effective on October 1, 1951.

Approved August 17, 1951.

Time: 10:02 A. M.

Act No. 438

H. 934—Davis

AN ACT

Relating to St. Clair County: To require the clerk in the branch office of the Judge of Probate to serve as clerk of the county governing body at the branch courthouse and prescribing his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The clerk in the branch office of the Judge of Probate of St. Clair County shall serve as clerk of the governing body of St. Clair County at the branch courthouse.

Section 2. The clerk in the branch office of the Judge of Probate of St. Clair County shall receive a salary of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000) per annum, the exact amount to be fixed by the Judge of Probate with the approval of the governing body of the county. Such salary shall be payable in equal monthly installments upon a warrant drawn by the Probate Judge on the general funds of the county. The salary herein provided for such clerk shall be in lieu of all other compensation heretofore provided for him.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 10:28 A. M.

Act No. 439

H. 933—Davis

AN ACT

Relating to St. Clair County: To impose extra, new, and additional duties upon the Tax Assessor and Tax Collector and providing additional compensation for the performance thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The Tax Assessor and the Tax Collector of St. Clair County shall, in addition to their other duties, maintain an office at the branch court house in Pell City from October 1 through December 31 of each year for the purpose of assessing and collecting taxes.

Section 2. The Tax Assessor and Tax Collector shall each receive an allowance of four hundred fifty dollars (\$450) per an-

num, to be paid out of the St. Clair county treasury, for performing the duties imposed by this Act.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 10:30 A. M.

Act No. 440

H. 924—Dawkins, Hall, Sellers, Tennille

AN ACT

Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a population of not less than 78,000 people nor more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. That in all cities in the State of Alabama now having or which may hereafter have a population of as many as 78,000 people and not more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census, and which operate under the commission form of government consisting of three members, the salaries to be paid said members of said Board of Commissioners in all such cities shall be as follows: "The salary of the President of the Board of Commissioners shall be Eight Thousand Five Hundred Dollars per annum and the salary of each of the other Commissioners shall be Six Thousand Five Hundred Dollars per annum, all payable in equal monthly installments at the end of each calendar month out of the city treasury."

Section 2. All laws or parts of laws, general, local or special, in conflict with the provisions hereof are hereby repealed.

Approved August 17, 1951.

Time: 10:32 A. M.

Act No. 441

H. 923—Dawkins, Hall, Sellers, Tennille

AN ACT

To authorize the governing body of any municipality in the State of Alabama having a population of as many as 78,000 people and not more than 120,000 people, according to the 1950 or any succeeding regular decennial Federal Census, to provide park and recreational facilities and services for such city; to provide for the creation, establishment, maintenance and support of a park and recreation board in any such

municipality; to provide for the appointment of such board and to define its duties and powers, and the power and authority of any such municipality with respect to furnishing park and recreational facilities, independently or jointly with the county or city or county school board.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any municipality in the State of Alabama having a population of as many as 78,000 people and not more than 120,000 people according to the 1950 or any succeeding regular decennial Federal Census, may, by resolution or ordinance duly recorded in its minutes, create a park and recreation board in the manner herein provided.

Section 2. Each park and recreation board created hereunder shall consist of five members selected by the municipal governing body from residents of said municipality who have recognized interest in park and recreational activities. Members of the park and recreation board first shall be appointed as follows: One for a term of one year; one for a term of two years; one for a term of three years; one for a term of four years; and one for a term of five years. As the terms of members expire, their successors shall be selected for terms of five years each. Vacancies in unexpired terms shall be filled in the same manner as original appointments are made. The park and recreation board shall elect from its membership a chairman and secretary, and such other officers as it deems necessary, to serve at its pleasure. The board shall adopt rules and regulations covering the procedures of the board and the use of lands, buildings, equipment and other facilities under its jurisdiction. Members of the board shall serve without compensation. If there is in existence under Act 497 approved August 30, 1949, such a board, the members shall continue to serve the terms for which they shall have been appointed.

Section 3. The park and recreation board may, with the approval of the governing body of such municipality, and subject to any civil service or merit system law now or hereafter in effect in such city, employ a director of parks and recreation to be its executive officer, and such staff and employees as may be necessary to carry into effect the park and recreation program determined by the board. The salaries of the director and the staff and employees shall be fixed by the board, and the tenure of the director and the staff and employees shall be at the pleasure of the board, all subject, however, to the approval of the governing body of such municipality and also subject to any civil service or merit system law now or hereafter in effect in any such city. Except as herein otherwise provided, all employees of the board shall in all respects be considered as employees of the municipality and subject to all the laws, rules, regulations and restrictions affecting employees of the municipality and entitled to all the benefits, rights and privileges accorded employees of the municipality.

Section 4. The park and recreation board shall be responsible for the direction, supervision, and promotion of such park and recreation programs as will contribute to the general welfare of the residents of such municipality. The board shall have control over all lands, buildings, equipment, and other facilities assigned for park and recreational purposes to the board by the municipal governing body. The board shall cooperate with other local agencies and state and federal agencies for the purpose of maintaining and improving park and recreational services and facilities for such municipality. The board shall have power to accept financial and other aid and grants from any public or private agency.

Section 5. The governing body of such municipality may make appropriations from municipal general funds to the park and recreation board for the support and maintenance of the board in carrying out a park and recreational program. The governing body of such municipality may designate for use as parks, playgrounds, and recreation centers and facilities any lands, buildings or equipment owned by, leased by, or loaned to such municipality. The governing body of such municipality may improve and equip or appropriate funds to the board for improving and equipping the lands and buildings for park and recreational purposes, and may acquire lands, buildings, facilities, supplies and equipment for park and recreational purposes by means of purchase, lease, loan, gift or condemnation procedure, and shall have power to accept financial and other aid and grants for park and recreational purposes from any public or private agency. Any such municipality may, through the park and recreation board, or independently, join with the county in which it is located or with the city or county school board, in acquiring, improving or maintaining property for park and recreational purposes.

Section 6. This act shall be construed liberally. If any section or part is declared invalid in its general or specific application, such declaration shall not affect the validity of other sections, parts or applications.

Section 7. All laws and parts of laws in conflict with this act are hereby repealed.

Section 8. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 10:32 A. M.

AN ACT

To Extend, Alter and Re-arrange the Boundary Lines and Corporate Limits of the Town of Notasulga, in Macon and Lee Counties, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines and corporate limits of the Town of Notasulga, Macon and Lee Counties, Alabama, be and the same are extended, altered and re-arranged so as to include within the corporate limits of said Town the following additional territory, same described as follows;

The following described land in Township 18, North, Range 24, East, Macon County, Alabama: South one-half of Section 5, South one-half of Section 6; West one-half of Section 7; West one-half of Northeast one-quarter of Section 18; Northwest one-quarter of Section 18; South one-half of Section 18; South one-half of Section 17; All of Section 16; Southeast one-quarter of Section 9; That part of the South one-half of the Northeast one-quarter of Section 9, lying in Macon County, Alabama.

The following described land in Township 18, North, Range 24, East, Lee County, Alabama; That part of the South one-half of the Northeast one-quarter of Section 9, lying in Lee County, Alabama; North one-half of Northeast one-quarter of Section 9; South one-half of Section 4.

Section 2. That the boundary lines and corporate limits of the Town of Notasulga, Macon and Lee Counties, Alabama, be and the same are extended, altered, and re-arranged so as to include within the boundary lines and corporate limits of said Town all territory now within such boundary lines and corporate limits and also the additional territory described in Section 1 hereof located in Macon and Lee Counties, Alabama; all of which territory is more particularly described as follows, to-wit:

Beginning at the Northeast corner of the Southeast one-quarter of Section 5, Township 18, North, Range 24, East, a point on the County line between Lee and Macon Counties; thence West one mile along the north line of the south one-half of said Section 5 to the Northeast corner of the Southeast one-quarter of Section 6, Township 18, North, Range 24, East, Macon County, Alabama; thence west one mile along the north line of the south one-half of said section to the Northwest corner of the said south one-half of Section 6; thence south along the range line between Range 23 East and Range 24 East to the Southwest corner of Section 18, Township 18, North, Range 24, East; thence east three miles along the south lines of Sections 18, 17 and 16,

Township 18, North, Range 24, East, to the Southeast corner of the Section 16; thence north one and one-half miles along the east line of Sections 16 and 9 to the Southeast corner of the Northeast one-quarter of Section 9, Township 18, North, Range 24, East, a point on the County line between Lee and Macon Counties, Alabama; thence north along the east line of Sections 9 and 4, Township 18, North, Range 24, East, Lee County, Alabama, to the Northeast corner of the south one-half of Section 4, Township 18, North, Range 24, East; thence west one mile along the north line of said south one-half of Section 4 to the Northwest corner of said south one-half of Section 4, to point of beginning.

Section 3. That the boundaries set out in Section 2 of this Act be, and the same are hereby, established as the corporate limits of said Town of Notasulga, Macon and Lee Counties, Alabama, and all of the territory included and embraced within said boundaries shall hereafter be and constitute the Town of Notasulga, Macon and Lee Counties, Alabama.

Section 4. That all laws and parts of laws, both general, special and local, in conflict with this Act be, and the same are hereby repealed.

Section 5. That this Act shall go into effect immediately upon its approval by the Governor.

Approved August 17, 1951.

Time: 10:33 A. M.

Act No. 443

H. 914—Roberts, Russell

AN ACT

To amend Sections 10, 14, and 16 of an act approved September 24, 1919 entitled "An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court." as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. That Sections 10, 14, and 16 of the act approved September 24, 1919 entitled "An Act to establish a County Court for Morgan County; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that the said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure of said court; and to provide for the transfer of certain causes now or hereafter pending in the Circuit Court of Morgan County to the Morgan County Court." as amended by the Act

approved July 7, 1947, be and the same are hereby amended so as to read as follows:

Section 10. That the judge of said court shall receive a salary of Four Thousand Eight Hundred Dollars per annum, payable in equal monthly installments at the end of each month, out of the county treasury.

Section 14. The Sheriff of Morgan County shall, in person or by a deputy, or deputies appointed by him, said appointment to be approved by the Judge of the Morgan County Court, be required to attend upon said court, and preserve order, and execute all writs or process, and perform such other duties, in all respects as in the circuit courts of this state, and for himself and each deputy required for attendance upon the sessions of the said court, he shall receive the same amount allowed for the circuit court, payable out of the county treasury upon his warrant, approved by the presiding judge, provided that the sheriff and his deputies shall not receive pay except for the times that the court is actually in session, and none of which compensation to the deputies shall be shared in by the sheriff.

Section 16. The judge of said court shall appoint a competent shorthand reporter to perform the duties of official court reporter of said court, who shall hold office at the pleasure of said judge and who shall receive a salary of One Thousand Eight Hundred Dollars per annum, payable in equal monthly installments out of the county treasury, on the certificate of the judge of said court. In all criminal cases and causes pending on the law side of said court there shall be taxed as part of the cost of the cause a reporter's fee of Three Dollars in each case, to be collected as other cost and paid by the clerk of said court into the county treasury for the benefit of the general fund. The said court reporter shall have authority to administer oaths and shall be an officer of the court and shall not be related to the judge of said court within the fifth degree.

Section 2. This act shall become effective on the first day of the month following its approval by the Governor.

Approved August 17, 1951.

Time: 10:00 A. M.

Act No. 444

S. 166—Wright and Boutwell

AN ACT

To amend Title 22, Section 199, Code of Alabama of 1940, as amended, which relates to care of tubercular patients.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 22, Section 199, of the Code of Alabama

of 1940 be, and the same is hereby amended to read as follows:

"Section 199. CARE OF PATIENTS: NON-RESIDENT PATIENTS; REPORTS AS TO PATIENTS; CHARGES FOR TREATMENT.—Any sanatorium, or hospital now or hereafter established hereunder, desiring to share in the benefits of this article, must make provisions for the care of Alabama citizens who are not residents of such county or counties and must place at the disposal of the State Committee of Public Health for the use of such Alabama citizens aforesaid fifteen per cent of the total bed capacity of such sanatorium or hospitals; it being the intent hereof that the county from which a patient, in indigent circumstances, comes, shall pay the difference remaining for the cost of such patient after the state subsidy has been deducted; should a patient from another county not be in indigent circumstances, said difference in cost after deducting the state subsidy shall be fixed by the board of trustees of the sanatorium receiving such patient. On the first day of each month the board of trustees, or the superintendent of the sanatorium, whether organized and established under the provisions of this article or any other act or acts permitting counties to erect and maintain sanatoria for the treatment of tuberculosis, shall report to the State Committee of Public Health the number of patients treated during the preceding month, with such detailed information as said State Committee of Public Health may require. Such reports shall show specifically the number of patients with the number of days and the aggregate number of weeks of such treatment and the actual per diem cost per patient cared for in the institution and shall be verified by the superintendent or by the president of the board of trustees. If accepted, and approved by the State Health Officer, it shall be the duty of the latter official to certify to the Department of Finance that the sanatorium in question has treated such number of patients for an aggregate specified number of days and at the cost per diem set forth in the report. Thereupon the comptroller, with the approval of the Governor, shall draw his warrant on the treasurer in favor of the county treasurer having the funds of the sanatorium in his custody, for such amount as will constitute compensation for such patients on the basis of one-half the cost per patient cared for, provided that in no instance shall the state's contribution exceed two dollars (\$2.00) per diem for each patient cared for; it being the intent hereof that the state shall contribute towards the cost of maintaining and treating patients a sum not to exceed two dollars (\$2.00) for each day of such care and treatment. To provide funds for the increase in the per diem granted in this act, there is appropriated the additional sum of seventy-five thousand (\$75,000.00) dollars from any funds in the state treasury not otherwise appropriated for each of the two fiscal years ending September 30, 1952 and September 30, 1953 in addition to the appropriation for subsidy to counties for the treatment of tuberculosis

as provided in the general appropriation act. In the event the total amount appropriated from the treasury is insufficient to meet, in full, the financial obligations enumerated above on the state's part, the State Health Officer is authorized to prorate among the counties qualified to participate in the provisions of this article, the amounts available so that each will receive its proportionate share. Nothing in this article shall be construed to mean that any sanatorium established hereunder may not charge a person, who is not in indigent circumstances, a reasonable sum per week for care and treatment in such institution, which sum shall be agreed upon by the board of trustees. For the purpose of operating clinics at various points in the state for the treatment of cases of tuberculosis, an expenditure of not more than \$10,000.00 annually is authorized from any appropriation made from the State Treasury to the State Department of Health for the control of tuberculosis.

Section 2. This Act shall become effective October 1, 1951.

Approved August 17, 1951.

Time: 8:00 A. M.

Act No. 445

H. 139—Hawkins (Etowah), Morgan (Tuscaloosa), Thomason, Tumlin

AN ACT

To authorize the county governing bodies of all counties having a population of not less than 80,000 nor more than 94,000 inhabitants according to the last or any future regular decennial Federal Census to provide for the use of paper ballots or ballot boxes as well as voting machines at voting places in the county where voting machines are used, at any primary, municipal or general election.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature of Alabama recognizes and finds that in all counties having a population of not less than 80,000 and not more than 94,000 according to the last or any future regular decennial Federal Census the exercise of the right to vote by qualified voters are hampered and restricted in those voting places where voting machines are used because of inadequate facilities and congestion in such polling places.

Section 2. Each county governing body in all such counties may in its discretion provide for the use of paper ballots or ballot boxes together with voting machines at voting places in the counties where voting machines are used in any primary, municipal or general election.

Section 3. All laws or parts of laws in conflict with this act are hereby repealed.

Section 4. This Act shall become effective October 1, 1951.

Approved August 17, 1951.

Time: 8:01 A. M.

Act No. 446

H. 445—Hawkins (DeKalb)

AN ACT

To require extra, new and additional duties of the Clerk of the Circuit Court of DeKalb County, Alabama; and to provide extra compensation for the performance of such duties.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Circuit Clerk of DeKalb County, Alabama, in addition to all other duties now required of him by law, shall keep all records of the DeKalb County Court, fine and forfeiture fund, in a book provided for same. He shall enter all claims as presented and pay same as required by law.

Section 2. That for the performance of the extra, new and additional duties hereby imposed upon him the Clerk of the Circuit Court of DeKalb County, Alabama, shall be allowed the sum of Two Hundred (200.00) Dollars per annum, payable quarterly out of any funds in the DeKalb County Court fine and forfeiture fund by the custodian of said fund.

Section 3. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:02 A. M.

Act No. 447

H. 584—Denton

AN ACT

Relating to Blount County: To provide for the nomination and election of members of the Board of Education of Blount County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The five members of the Board of Education of Blount County, Alabama, shall be nominated and elected as follows: The member of the Board elected to succeed the incumbent Marvin Cox shall be elected at the general election in 1952, and every six years thereafter, and shall be nominated by the qualified electors of Commissioner's District No. 1 of Blount County, as now fixed and designated by law. The member of the Board elected to succeed the incumbent Verbon Kimberly shall be elected at the general election in 1952, and every six

years thereafter, and shall be nominated by the qualified electors of Commissioner's District No. 2 of Blount County, as now fixed and designated by law. The member of the Board elected to succeed the incumbent Lawrence Sellers shall be elected at the general election in 1954, and every six years thereafter, and shall be nominated by the legal voters of Commissioner's District No. 3 of Blount County, as now fixed and designated by law. The member of the Board elected to succeed the incumbent Ernest Bynum shall be elected at the general election in 1956, and every six years thereafter, and shall be nominated by the qualified electors of Beat 36, Blount County, as now fixed and designated by law. The member of the Board elected to succeed the incumbent H. C. Blackwood shall be elected at the general election in 1956, and every six years thereafter, and shall be nominated by the qualified electors of Commissioner's District No. 4, exclusive of Beat 36, as now fixed and designated by law. The nomination of each member of the Board shall be at the regular primary elections in the year the respective members shall be elected.

Members of the Board shall be elected by the qualified electors of the entire County at the general election, under the general election laws of the State of Alabama.

Section 2. The qualifications of a member of the Board of Education of Blount County, Alabama, shall be all the qualifications required by the Constitution and General Laws of the State of Alabama, and in addition thereto, each member must be a resident citizen and qualified elector of the designated district for which he is nominated and elected.

Section 3. All laws and parts of laws in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective upon its approval by the Governor.

Approved August 17, 1951.

Time: 8:04 A. M.

Act No. 448

H. 630—Scruggs, Hawkins (DeKalb)

AN ACT

To fix the salary of County Superintendents of Education in all counties of the State of Alabama having a population of not less than 45,090 and not more than 46,550 according to the 1950 Federal Census, or any subsequent Federal census, and to provide when this Act shall take effect.

Be It Enacted by the Legislature of Alabama:

Section 1. That the salary of the County Superintendents of Education in all counties in the State of Alabama having a population of not less than 45,090 and not more than 46,550 according

to the 1950 Federal Census, or any subsequent Federal census, be and the same is hereby fixed at the sum of \$5,000.00 per annum.

Section 2. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:05 A. M.

Act No. 449

H. 670—White (Cullman)

AN ACT

To create and establish a Board of Commissioners and Control of Cullman County, Alabama, in place of the present Board of Revenue and Road and Bridge Commissioner now existing in Cullman County, to consist of four members, and a Chairman of said Board, and one member to be from each of the four districts of the County; to abolish the Board of Revenue of Cullman County; to abolish the Road and Bridge Commissioner of Cullman County; to divide said County into four districts and to define the boundaries of each district; to fix the term of office, compensation, and duties of each, and to provide for the qualifications and election of such members and their successors from each of four districts, and the qualifications and election of the Chairman, and the election of his successor, and to fix his term of office; to provide the time and place of holding regular meetings of said Board; to confer upon said Board all the authority, jurisdiction and power granted to the Board of Revenue established and created by an Act of the Legislature of Alabama that became law on September 14, 1939, under Section 125 of the Constitution, Local Acts 1939, page 244; to confer upon said Chairman and Board respectively all the authority, jurisdiction and power granted to the Road and Bridge Commissioner of Cullman County, Alabama, by Act of the Legislature of Alabama approved February 15, 1939, Local Acts of 1939, page 13; to constitute each member of the Board District Supervisor for all public roads within his district; to provide that the Chairman fix a wage and salary scale for all employees engaged in work on the public roads of the County and to require that the same be uniform throughout the County; to provide that all supplies, material and equipment for the County and offices and officers of the County, and the Courthouse and jail, and other buildings, be purchased by the Chairman of the Board on order of the Board made at regular meetings of the Board on Monday after posting a purchase notice on the bulletin Board situated by the door of his office in the Courthouse requesting bids therefor, and requiring the Chairman to accept the lowest responsible bid and prescribing the procedure to be observed in making purchases and the records thereof to be made; to provide that Cullman County shall not be liable in any form on account for the price, value, or use of any property not purchased as provided for in this Act; to authorize the Chairman to make contracts for the purchase of gasoline, fuel oil, motor oil, cylinder oil, tires and tubes, machinery and equipment used in connection with the construction and maintenance of public roads and bridges in Cullman County, or either of them, and provide the manner of making of such contracts; to authorize each member of the Board in emergencies and in cases where work on the roads within his district would be otherwise unduly delayed to purchase for the county needed equipment and materials at a cost not to exceed Fifty (\$50.00) Dollars, and to provide the method of making such purchases and to require that all claims against the County for

the same state the Number of the district for which such property was sold, and the number of the purchase order pertaining thereto; to authorize each member of the Board, with the approval of the Chairman, to have repairs made to machinery and equipment used on the public roads within his district and to prescribe the manner in which said repair order shall be made for such repairs; to provide for the upkeep and repair of the Courthouse and jail and equipment and fixtures therein; to provide for the keeping of records by the Chairman and provide for clerical and stenographic assistance to the Chairman and to limit the cost thereof; to provide for the purchase by the Chairman of certain materials and equipment for his office, and provide the hours during which his office shall be open; to provide for official bonds to be given by the Members and Chairman of the Board to be approved by the Probate Judge; to provide a method for filling vacancies in the office of members of the Board and Chairman of the Board; to provide that one-half of the compensation of the Members and Chairman of the Board and stenographic and clerical assistance to the Chairman be paid out of the General Fund of the County, and one-half from the road and bridge funds of said county; to define what funds shall constitute the Road and Bridge funds of Cullman County, Alabama, and to provide that the Chairman shall be the custodian of said fund; to provide that all claims against the County in connection with the construction and maintenance of public roads and bridges of Cullman County, Alabama, be paid out of said fund upon warrants drawn by the Chairman; to prescribe the duties and responsibilities of the Members of the Board on the one hand and the Chairman of the Board on the other hand, respectively, to the establishment, construction and maintenance of the public roads of Cullman County; to repeal all laws in conflict with this Act, and to expressly repeal an Act of the Legislature of Alabama, approved February 15, 1939, Local Acts 1939, page 13, and a Local Act of the Legislature of Alabama, which became law September 14, 1939, under Section 125 of the Constitution, Local Acts 1939, page 244, and to fix the effective date of this Act and the effective date of the repeal of said Local Acts.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established in and for the County of Cullman, in the State of Alabama, a Board of Commissioners and Control, hereinafter referred to as the "Board," to consist of four members, and a chairman of said Board; and there shall be one member of the Board from each of the four districts of the County as hereinafter defined; said Board shall be known as the Board of Commissioners and Control of Cullman County, Alabama, and shall take the place of the present Board of Revenue and Road and Bridge Commissioner in and for said County, which "Board of Revenue" and "Road and Bridge Commissioner" shall cease to exist, and are hereby abolished effective upon the first Monday after the second Tuesday in January, 1953.

Section 2. That for the purposes of this act, the said County of Cullman is hereby divided into four subdivisions, to be known as Districts, and to be numbered from One to Four, inclusive. District One shall embrace and be composed of the following described territory: Beginning at the northeast corner of Section 23, Township 9, Range 2 west, thence South to the northeast corner of Section 35, Township 9, Range 2 West, thence East to the

northeast corner of Section 36, Township 9, Range 2 West, thence south to Duck River, thence continuing south along Duck River to the northeast corner of Section 24, Township 10, Range 2 west, thence west to the northeast corner of Section 20, Township 10, Range 2 west, and Brindley's Creek, thence south along Brindley's Creek to the northeast corner of Section 4, Township 11, Range 2, west, thence west to the northeast corner of Section 6, Township 11, Range 3 west, thence south to the northeast corner of the southeast quarter of the southeast quarter of section 6, township 11, range 3 west, thence west to the northwest corner of the southeast quarter of the southeast quarter of section 6, township 11, range 3 west, thence north to the northwest corner of the northeast quarter of the southeast quarter of section 6, township 11, range 3 west, thence west to the southwest corner of the southwest quarter of the northwest quarter of section 6, township 11, range 3 west, thence south to the northeast corner of Section 1, township 12, range 4 west, thence west to the northeast corner of section 4, township 12, range 4 west and the Cold Springs-Valley Grove public road, thence southwest along said road to Ryan's Creek, thence northwest along Ryan's Creek to the intersection of Ryan's Creek and the west section line of Section 31, Township 11, Range 4 West, thence north to the northwest corner of Section 6, township 11 range 4 west, thence east to Rock Creek, thence north along Rock Creek to the intersection of Rock Creek with the south section line of Section 33, Township 9, Range 4 West, thence east to the southeast corner of section 34, township 9, Range 4 west, thence north to the northeast corner of section 34, township 9, range 4 west, thence east to the southwest corner of the east half of section 28, township 9, range 3 west, thence north to the northwest corner of the southwest quarter of the northeast quarter of section 28, township 9, range 3 west, thence east to the northeast corner of the southeast quarter of the northeast quarter of section 28, township 9, range 3 west, thence north to the northeast corner of Section 28, township 9, range 3 west, thence east to the southwest corner of the east half of section 22, township 9, range 3 west, thence north to the northwest corner of the east half of section 22, township 9, range 3 west, thence east to the northwest corner of the northeast quarter of section 23, township 9, range 3 west, thence south to the southwest corner of the northeast quarter of section 23, township 9, range 3 west, thence east to the northeast corner of the southeast quarter of section 24, township 9, range 3 west, thence south to the northeast corner of section 36, township 9, range 3 west, thence east to Brindley's Creek, thence northeastwardly along Brindley's Creek to the Simcoe and Gold Ridge public road, thence east to the northeast corner of the southeast quarter of section 22, township 9, range 2 west, thence north to the northwest corner of section 23, township 9, range 2 west, thence east to the northeast corner of section 23, township 9, range 2 west, the point of beginning.

District Two shall embrace and be composed of the following described territory: Beginning at the northeast corner of Section 36, Township 8, Range 1 East, the northeast corner of Cullman County, Alabama, thence west along the County line of Cullman County, Alabama, to the northwest corner of Section 31, Township 8, Range 3 West, thence south to the southwest corner of Section 30, Township 9, Range 3 West, thence east to the southwest corner of the east half of Section 28, township 9, range 3 west, thence north to the northwest corner of the southwest quarter of the northeast quarter of section 28, township 9, range 3 west, thence east to the northeast corner of the southeast quarter of the northeast quarter of section 28, township 9, range 3 west, thence north to the northeast corner of section 28, township 9, Range 3 west, thence east to the southwest corner of the East half of Section 22, Township 9, Range 3, West, thence north to the northwest corner of the East half of Section 22, township 9, range 3 west, thence east to the northwest corner of the northeast quarter of section 23, township 9, range 3 west, thence south to the southwest corner of the northeast quarter of section 23, township 9, range 3 west, thence east to the northeast corner of the southeast quarter of section 24, township 9, range 3 west, thence south to the northeast corner of section 36, township 9, range 3 west, thence east to Brindley's Creek, thence northeastwardly along Brindley's Creek to the Simcoe and Gold Ridge public road, thence east to the northeast corner of the southeast quarter of section 22, township 9, range 2 west, thence north to the northwest corner of Section 23, township 9, range 2 west, thence east to the northeast corner of section 23, township 9, range 2 west, thence south to the northeast corner of section 35, township 9, range 2 west, thence east to the northeast corner of section 36, township 9, range 2 west, thence south to Duck River, thence continuing south along Duck River to the northeast corner of Section 24, township 10, range 2 west, thence east to the west side of Bailey's Mill Road, thence southeast along the west line of the Bailey's Mill Road to the County line, thence northeast along the County line of Cullman County, Alabama, to the point of beginning.

District Three shall embrace and be composed of the following described territory: Beginning at the northwest corner of Cullman County, Alabama, thence south along the County line of Cullman County to the Southwest corner of Cullman County, thence east along the county line of Cullman County to the southeast corner of section 24, township 13, range 5 west, thence north to the northeast corner of section 24, township 12, range 5 west, and the east side of the Cold Springs-Valley Grove public road, thence northeast along the east side of the Cold Springs-Valley Grove public road to Ryan's Creek, thence northwest along Ryan's Creek to the intersection of Ryan's Creek and the west section line of Section 31, township 11, range 4 west, thence north to the northwest corner of Section 6, township 11, range 4 west, thence

East to Rock Creek, thence north along Rock Creek to the intersection of Rock Creek with the south section line of section 33, township 9, range 4 west, thence east to the southeast corner of section 34, township 9, range 4 west, thence north to the northeast corner of section 34, township 9, range 4 west, thence east to the southwest corner of Section 30, township 9, range 3 west, thence north to the county line, thence west along the county line to the point of beginning.

District Four shall embrace and be composed of the following described territory: Beginning at the intersection of Bailey's Mill Road and the County line, on the west side of said road, thence northwestwardly along said road to the south section line of section 16, township 10, range 1 west, thence west to the northeast corner of Section 20, township 10, range 2 west, and Brindley's Creek, thence south along Brindley's Creek to the northeast corner of Section 4, Township 11, Range 2 West, thence West to the northeast corner of section 6, township 11, range 3 west, thence south to the northeast corner of the southeast quarter of the southeast quarter of section 6, township 11, range 3 west, thence west to the northwest corner of the southeast quarter of the southeast quarter of section 6, township 11, range 3 west, thence north to the northwest corner of the northeast quarter of the southeast quarter of section 6, township 11, range 3 west, thence west to the southwest corner of the southwest quarter of the northwest quarter of section 6, township 11, range 3 west, thence south to the northeast corner of section 1, township 12, range 4 west, thence west to the northeast corner of section 4, township 12, range 4 west and the Cold Springs-Valley Grove public road, thence southwest along the east side of said Cold Springs-Valley Grove public road to the northeast corner of Section 24, township 12, range 5 west, thence south to the county line, thence northeastwardly along the county line of Cullman County to the point of beginning.

The members of said Board shall hold office for four years from the first Monday after the second Tuesday in January, 1953, and until their successors are elected and qualified, such election to be held at the regular November election in 1952, and every four years thereafter. All persons to be eligible to election to member on said Board, as a member from either of the four districts hereinabove enumerated, must be qualified voters of their respective districts, of the age of twenty-five years or over, and must have been regularly nominated by the qualified voters of their respective districts. The Chairman of the Board shall hold office from the first Monday after the second Tuesday in January, 1953, for a term of four years, or until his successor is elected and qualified. Such Chairman shall be elected by the qualified electors of Cullman County, Alabama, at the regular election held in November, 1952, and every four years thereafter. Each successor to the Chairman of the Board herein provided for shall

hold office for a term of four years and shall be elected in the manner herein provided.

Any person to be eligible to election as Chairman of said Board must be a qualified voter of the County of Cullman, Alabama, of the age of twenty-five years old or over, and must have been regularly nominated by the qualified voters of Cullman County, Alabama. Any vacancy in the office of Chairman of the Board, or of a member of the Board shall be filled by appointment by the Governor of Alabama.

The members of the Board from Districts One to Four inclusive shall devote their entire time to the business of the County, and shall each receive an annual salary of Two thousand seven hundred (\$2700.00) Dollars, to be paid in monthly installments on the second Monday in each month, which shall be paid one-half from the general fund of the County, and one-half from the road and bridge fund of the county, and said salary shall be the sole and only compensation, allowance and expense of any kind or character to be received by either of said members, except that each member of the Board shall be paid mileage from his residence to the County Seat and return for attending each regular meeting of the Board, said mileage to be computed at the rate of five cents per mile. The Chairman of said Board shall be paid as compensation for his services an annual salary of Four thousand two hundred (\$4200.00) Dollars, to be paid in equal monthly installments on the second Monday in each month, which shall be paid one-half from the general fund of the County and one-half from the road and bridge fund of the county, and the Chairman shall devote his entire time to the business of the County. The Chairman shall preside at all meetings of the Board, when present, and shall cast the deciding vote in all cases arising where there shall be a tie vote; he shall write or supervise the writing of the minutes of all meetings of the Board, shall sign for and on behalf of the County all warrants, checks, drafts, notes, bonds, contracts, or other instruments of writing drawn against the Treasury of the County, or in any way binding the County to any obligation or liability; he shall have and exercise exclusively all of the power and jurisdiction over the road and bridge fund hereinafter created in this Act, provided herein, and in addition thereto shall have all the power and jurisdiction exclusively over said fund and be under the same duties in connection therewith provided by an Act of Legislature of Alabama, approved February 15, 1939, Local Acts of 1939, page 13, as the Road and Bridge Commissioner, created under said Act, exercised under the provisions thereof. The Chairman of the Board and two members of the Board, or in the absence of the Chairman, three members of said Board, shall constitute a quorum for the transaction of business, which is not, under the provisions hereof, imposed upon the Chairman exclusively.

Section 3. The Board shall hold regular meetings at the Courthouse of said County, beginning at 10:00 o'clock A. M., on the Second and Fourth Monday of each month, and at such meetings the business of the County shall be taken up, considered, and transacted in due order, and meetings may be adjourned to a day certain. The Chairman shall keep the minutes of the acts and proceedings of the Board in a well bound book.

Section 4. Said board shall perform all duties and shall have and exercise all the jurisdiction, power and authority now or hereafter required of or granted to and conferred on Courts of County Commissioners, Boards of Revenue, or other governing bodies, by the general laws of Alabama, except insofar as the same are or may be in conflict or inconsistent with this Act; and the several members of the board shall likewise perform all the acts, services and duties required of members of the courts of county commissioners, boards of revenue, or other like bodies, by the general laws of Alabama now in force or hereinafter enacted, except as the same are or may be in conflict or inconsistent with this act; and said board in addition to the foregoing and without any limitation thereon shall have and exercise the following jurisdiction, power and authority, that is to say: (a) To levy all taxes, both general and special, authorized or required by law in the manner as is now or as may be hereafter provided by law; (b) to make adequate provision for the support and maintenance of the indigent and insane of the county; (c) to make adequate provision for preserving the public health and to this end to make contribution as it sees fit to any hospital or similar institution within or without the county for charity patients, who are resident citizens of the county and to take such action as may be necessary or appropriate to prevent, control, cure and eradicate all disease and causes thereof and to provide for the quarantine of persons suffering from infectious or contagious disease; (d) To supervise, oversee, manage, repair, maintain and control all property of the county, including the courthouse and jail, and to furnish all necessary light, heat, and janitor service therefor, and supply to the several officers of the county such stationery and supplies as may be necessary for the proper handling of the business of the county; (e) to locate, construct, supervise, repair and maintain and have control of the public roads, highways, and bridges of the county, provided, however, that certain of the duties and responsibilities in connection with this power shall be exercised by the Chairman exclusively as hereinafter set forth; (f) to require the able bodied citizens of the county between the ages of twenty-one and forty-five years to work upon said roads, highways and bridges at such times and for such periods, not exceeding ten days per annum, as may be consistent with the general laws of the State, and to provide for discharge from road service by the payment of a sum of money to be fixed by the Board, not to exceed the sum of One (\$1.00)

Dollar for each day's work, said sum to be paid in lieu of performing work at a time to be fixed by the Board; (g) to employ an auditor and attorney, and engineer and prescribe the duties and fix the compensation of each; (h) to examine, audit, and allow or disallow, settle and pay all claims and demands against the County, except, and provided, however, that the Chairman of the Board shall examine, audit, and allow or disallow and settle and pay all claims and demands against the road and bridge fund as hereinafter created and provided.

Section 5. Each member of the Board elected from the four districts is hereby constituted and appointed supervisor of all public roads within the district in which he is elected, and it shall be his duty to supervise, inspect and superintend all work done on the public roads within his district, to appoint overseers, and cause all road hands and work to be apportioned to the several roads within his district. It shall be the duty of each member of the board from the four districts of the county, within thirty days after assuming office, and in each December thereafter, to file with the Chairman a sworn statement and inventory of all the equipment, machinery and property of the county in his custody or under his control.

Section 6. The Chairman shall fix a wage and salary scale for all employees engaged in connection with the construction, repair and maintenance of the public roads of the county, which shall be entered on the minutes of the Board, and such wages and salaries shall be uniform throughout the county.

Section 7. All purchases of all books, stationery, paper, blanks, blank forms, blank books, supplies, appliances, fixtures, furniture, typewriters, and all other equipment required by the Probate Judge, Sheriff, Register, Clerk of the Circuit Court, County Superintendent of Education, Tax Collector, Tax Assessor, the Board of Commissioners and Control, or the Chairman thereof, for their respective offices, and all supplies of any kind or description, materials, appliances, equipment, fuel and coal for the County Courthouse and Jail and any other county building, and any County officer, shall be made by the Chairman of the Board upon order of the Board made and entered upon the minutes of the Board at a regular meeting of the Board held on Monday in the manner hereinafter prescribed. Such order of the Board directing the Chairman to make a purchase or purchases shall specify the article or articles to be purchased, the number or quantity thereof, and shall contain a specification and description thereof sufficient to enable the Chairman to give the notice hereinafter required requesting bids for such article or articles. Within two days after such order of the Board, that is, on or before the Wednesday following, the Chairman shall post upon a bulletin board to be situated immediately inside or outside his office in the Courthouse, a notice, called a Purchase Notice, which

shall state that the Board has ordered the purchase of the article or articles described in the order of the Board, for delivery at a place or places to be specified in said notice, and that sealed bids therefor will be received by the Chairman during the three days immediately succeeding, including the Saturday following, unless the Board in its order provide that a longer time be specified as the time within which bids will be received. All purchase notices shall be numbered consecutively and shall be made out in duplicate and one copy thereof shall be retained by the Chairman in his office as a permanent record and shall contain a certificate of the Chairman as to the date of the posting of the other copy thereof upon the bulletin board. At the expiration of the time fixed for receiving bids, the Chairman shall open the bids, and shall accept the lowest responsible bid, and shall issue a purchase order signed by him to the successful bidder; provided, however, that the Chairman shall have the right to obtain additional sealed bids within the time fixed for receiving bids in such manner as he may desire, and shall have the right to reject all bids if satisfied that they are unreasonable; and provided further that the Chairman shall report his action, whenever all bids are rejected, to the Board at its next meeting, together with the bids rejected and thereupon the Board may either accept the lowest responsible bid rejected by the Chairman and order him to issue a purchase order in accordance therewith, or may direct the Chairman to obtain other and further bids in the manner hereinabove provided. All purchase orders shall be numbered consecutively and shall be made out in triplicate, and shall state the number of the purchase notice pertaining thereto, and shall contain a description of the property to be purchased, the price therefor, the place where delivery is to be made, and such other matter as the Chairman prescribes. One copy of said purchase order shall be delivered to the seller and one copy thereof shall be forwarded by the Chairman to the person who in behalf of the County is to receive the property purchased, and the other copy shall be retained by the Chairman in his office. The person who is to receive the property purchased in behalf of the County shall upon receipt thereof, endorse upon the copy of the purchase order forwarded to him by the Chairman, upon a form to be prescribed by the Chairman, the facts as to whether or not all of the property described in said purchase order was received by him, and as to the condition in which the same was received, and shall deliver said copy to the Chairman within five days after the receipt of the property involved. Every claim filed against the county for the purchase price or value of any of the goods or articles hereinabove specified, shall state the number of the purchase order pertaining to said claim.

Section 8. The County Road and Bridge Fund of Cullman County, Alabama, shall consist of any and all funds received from the State Treasury as the County's share of gasoline tax levied

by the State, the County's share of automobile tag licenses, a one mill road tax levied by the County under Section 215 of the Constitution of Alabama, and all other revenues inuring to the benefit of Cullman County from any source whatsoever for the purpose of maintaining and constructing roads and bridges in Cullman County.

Section 9. The Board of Commissioners and Control of Cullman County, Alabama, may transfer to the road and bridge fund of Cullman County, Alabama, any surplus of the general fund of the county in the county treasury or county depository, whenever in the judgment of said Board it will promote the interest of said county to make such transfer. Any such surplus so transferred shall become a part of the road and bridge fund of said county and shall be used in the establishment, construction or maintenance of the public roads and highways of said County.

Section 10. All purchases of supplies, materials, appliances, equipment, machinery, lumber, tools, dynamite, grease, gasoline, fuel oil, cylinder oil, motor oil, cement, crushed stone, rock, sand, gravel, asphalt, graders, tractors, trucks, automobiles, rollers, terracing machines, rock crushers, culvert pipe, and all other road machinery and road building equipment, appliances, and materials used by any member of the Board in his district, or by the Board as a whole, or by the County, or any officer or agent of the county, shall be made by the Chairman of the Board upon his own order, such order to specify the article or articles to be purchased, the number or quantity thereof, and shall contain a specification and description thereof. Within two days after such order of the Chairman, he shall post upon a bulletin board to be situated immediately inside or outside his office in the Court-house, a notice called a Purchase Notice, which shall state that the Chairman has ordered the purchase of the article or articles described in the order of the Chairman, to be delivered at a place or places to be specified in said notice, and that sealed bids therefor will be received by the Chairman during the three days immediately succeeding, including the Saturday following, unless the Chairman in his order provides that a longer time be specified as the time within which bids will be received. All purchase notices shall be numbered consecutively and shall be made out in duplicate, and one copy thereof shall be retained by the Chairman in his office as a permanent record and shall contain a certificate of the Chairman as to the date of the posting of the other copy thereof upon the bulletin board. At the expiration of the time fixed for receiving bids, the Chairman shall open the bids and shall accept the lowest responsible bid, and shall issue a purchase order signed by him to the successful bidder; provided, however, that the Chairman shall have the right to obtain additional sealed bids within the time fixed for receiving bids in such manner as he may desire, and shall have the right to reject all bids if satisfied that they are unreasonable. All

purchase orders shall be numbered consecutively and shall be made out in triplicate, and shall state the number of the purchase notice pertaining thereto, and shall contain a description of the property to be purchased, the price therefor, the place where delivery is to be made, and such other matter as the Chairman prescribes. One copy of said purchase order shall be delivered to the seller, and one copy thereof shall be forwarded by the Chairman to the person who in behalf of the County is to receive the property purchased, and the other copy shall be retained by the Chairman in his office. The person who is to receive the property purchased in behalf of the County shall upon receipt thereof, endorse upon the copy of the purchase order forwarded to him by the Chairman, upon a form to be prescribed by the Chairman, the facts as to whether or not all of the property described in said purchase order was received by him, and as to the condition in which the same was received, and shall deliver said copy to the Chairman within five days after the receipt of the property involved. Every claim filed against the county for the purchase price or value of any of the goods or articles hereinabove specified, shall state the number of the purchase order pertaining to said claim.

Section 11. Any and all contracts made and entered into to purchase, or purchases made by the Board or any Member of the Board, or any officer or agent of the county, of any of the property specified in the preceding Section 7 and Section 10 hereof shall, except as herein otherwise provided, be null and void, and it shall be unlawful for a warrant to be issued in payment of the same unless such property shall have been purchased as provided in the preceding Section 7 and Section 10 hereof and unless the steps provided in said sections preliminary to making any purchase shall have been had and the said County of Cullman shall not be liable in any form of action, or suit, whatsoever for the price or value or use of any such article or property sold or delivered to it or to any of its officers or agents in violation of the preceding Section 7 and Section 10 hereof.

Section 12. Each Member of the Board shall have authority in emergencies and in cases where work on the roads within his district would otherwise be unduly delayed, to purchase such materials and equipment as may be needed to properly perform the work on the roads within his district without order of the Chairman and without compliance with the provisions of Section 10 of this act; provided that the cost of any such material or equipment purchased shall be reasonable and shall not exceed the sum of \$50.00 in any instance. Each member of the Board shall likewise have authority to have any road machinery or equipment used on the public road within his district repaired without an order of the Chairman authorizing the same, provided that the county shall not be liable in any event for more than the reasonable cost of any such repairs, any agreement of any

member of the Board to the contrary notwithstanding. Each member of the Board making a purchase under the provisions of this section shall make out a purchase order in triplicate which shall state the property purchased, the price therefor, and from whom purchased, and the number of his district, and all such purchase orders shall be numbered consecutively, and one copy thereof shall be delivered to the seller, one forwarded to the Chairman for filing, and one retained by the Member of the Board issuing the same, and all claims against the county on account of any such purchase shall state the number of the district for which such property was purchased and the number of the purchase order pertaining thereto and all such claims shall be null and void unless such purchase order shall have been duly issued. Any member of the Board causing any road machinery to be repaired shall forthwith forward to the Chairman a written report thereof stating the property to be repaired, the nature of the repairs to be made and the name of the person making the same.

Section 13. The Chairman, or a member of the Board designated by resolution of the Board, shall have charge of the equipment and fixtures contained in the Courthouse, Jail and other public buildings and offices of the County, and shall have authority to cause repairs to be made to said buildings and to the equipment and fixtures therein without order of the Board, and the County shall be liable for the cost of the same, not to exceed, in any event, more than the reasonable value of such repairs, except that where the cost of any repair will exceed \$100.00 the same shall be made only after order of the Board. Stamps, electricity, water and telephone service, or any other service furnished by a public utility whose rates are regulated by law, may be provided for the public offices and buildings of the county by the Board without regard to the provisions of Section 7 of this act.

Section 14. The Chairman of the Board shall perform the duties of auditor and shall keep all books and records herein required as well as the books and records required to be kept by the general laws of this state, as well as such as he may deem advisable, to properly and correctly reflect the business and financial condition of the county. The Chairman is hereby authorized to employ clerical and stenographic assistance to aid him in the performance of his duties and to fix the compensation to be paid therefor which shall not exceed the sum of \$2400.00 per annum, which shall be paid one-half from the general fund of the County and one-half from the road and bridge fund of the County. The Chairman shall as soon as practicable after assuming office purchase for the county a suitable bulletin board upon which to post purchase notices and also such books, records, stationery, blanks and forms as may be necessary or proper for conduct of the business of the county in accordance with the provisions of this Act and the reasonable purchase price of the

same shall be a claim against the county and shall be paid without regard to the provisions of this act respecting purchases. The Board shall provide for itself and for the Chairman suitable office space in the Courthouse and shall obtain an official seal containing the name of the Board and the words "Official Seal," which shall be kept by the Chairman. The office of the Chairman shall be kept open from nine o'clock A. M. to four o'clock P. M. on all days except holidays and except Saturdays, and on Saturdays shall be open from nine o'clock A. M., until noon, and the Chairman shall devote his entire time to the duties of his office.

Section 15. Each member of the Board is hereby required before entering upon the duties of his office to make and file with the Judge of Probate of said County an oath of office and bond in the penal sum of \$3000.00 payable to Cullman County with sufficient security to be approved by the Judge of Probate. The Chairman shall make and file with the Judge of Probate an oath of office and bond in the penal sum of \$5000.00 payable to Cullman County with security to be approved by the Judge of Probate. Said bonds shall be conditioned for the faithful performance of the duties of the respective offices, shall be recorded by the Judge of Probate and the premium therefor shall be paid by Cullman County.

Section 16. All laws and parts of laws in conflict with the provisions of this act are hereby expressly repealed, and the Act of the Legislature approved February 15, 1939, Local Acts 1939, page 13, and the Act of the Legislature of Alabama which became law September 13, 1939, under Section 125 of the Constitution, Local Acts 1939, page 244, are hereby expressly repealed, effective the first Monday after the second Tuesday in January, 1953.

Section 17. Should any section, clause or part of this act be declared invalid it shall not affect any other part thereof.

Section 18. This act shall become effective immediately upon its becoming law.

Approved August 17, 1951.

Time: 8:06 A. M.

Act No. 450

H. 769—Dumas, Adams (Jefferson), Meeks,
Beatty, Huey, Morgan (Jefferson)

AN ACT

To Alter and Rearrange the Corporate Limits of the City of Birmingham so as to include therein part of the territory located in Section 11, Township 17, Range 3, West in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the corporate limits of the City of Birmingham, in the County of Jefferson, State of Alabama, are hereby altered and rearranged so as to include within the corporate limits of said City all that territory south and east of the Huntsville Road and north of the southerly line of the Fairmont School property, extended, and extending east to the present boundary of the City of Birmingham, Alabama, as said boundary was extended under the provisions of Act No. 325, Local Acts of Alabama approved August 3, 1949, and being all of that property lying south and east of Huntsville Road and between the said present boundary of the City of Birmingham and the southerly boundary of the Fairmont School property extended, and including said Fairmont School property, all of which is located in Section 11, Township 17, Range 3, West in Jefferson County, Alabama.

Section 2. That this Act shall become and be effective upon and after date of passage.

Approved August 17, 1951.

Time: 8:07 A. M.

Act No. 451

H. 793—Wilkins, Adams (Jefferson), Beatty,
Morgan (Jefferson), Dumas, Gala-
lee, Pfleger

AN ACT

To repeal Chapter 12, Title 12, Code of Alabama, 1940, which relates to civil service systems in counties having a population of two hundred thousand inhabitants or more according to the 1930 federal census and certain municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. Chapter 12, Title 12, Code of Alabama, 1940, is hereby repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:08 A. M.

Act No. 452

H. 799—Langdon

AN ACT

Relating to Pickens County; dividing the county into forest protection districts; imposing certain duties upon the members of the Court of County Commissioners of said county with respect to such districts, and fixing their compensation for the performance of such an ex-officio duties.

Be It Enacted by the Legislature of Alabama:

Section 1. Pickens County is hereby divided into as many forest protection districts as there are members of the Court of County Commissioners, the boundaries of each of which shall coincide and be co-extensive with the boundaries of each commissioner's district.

Section 2. Each member of the Court of County Commissioners of said county shall have the special duty of investigating and reporting, for his district, violations of Chapter 4, Title 8, Code of Alabama (1940), and shall perform such other duties as are imposed by law upon forest wardens.

Section 3. Each member of the Court of County Commissioners of Pickens County shall be paid a salary of one hundred dollars per month, out of any funds in the county treasury not otherwise appropriated, for the performance of the additional duties imposed upon him by this Act.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:09 A. M.

Act No. 453

H. 816—Huey, Meeks, Dumas, Beatty, Adams
(Jefferson), Morgan (Jefferson)

AN ACT

To authorize the Tax Collector of Counties having a population of 400,000 or more, according to the last or any subsequent Federal Census, to send notices of the amount of tax due through the United States Mail, and to authorize the payment of the cost of postage thereof by the County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In any County having a population of 400,000 or more, according to the last or any subsequent Federal Census, the Tax Collector shall be and he hereby is authorized, at his discretion, to send notices to tax payers of the amount of tax due through the United States Mail.

Section 2. The cost therefor shall be paid for out of the general fund of the County.

Section 3. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:10 A. M.

Act No. 454

H. 819—Edgar

AN ACT

Relating to Choctaw County; providing for the election of the members of the County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. One member of the Board of Education of Choctaw County shall be elected for each of the four commissioner's districts into which the county is now divided, and the fifth member of the board shall be elected for the county at large. Each board member shall be a qualified elector of, and reside in the district for which he is elected, but all the members shall be nominated and elected by the electors of the county at large; the fifth member of the board must be a qualified elector of, and reside in Choctaw County. Members of the board for districts one and two shall be elected at the general election in 1952, and every six years thereafter. Members of the board from district three and four shall be elected at the general election in 1956 and every six years thereafter. The fifth member of the board shall be elected at the general election in 1954, and every six years thereafter. The incumbent members of the board shall hold their offices until their successors are elected as provided in this Act.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:11 A. M.

Act No. 455

H. 825—Brannan

AN ACT

Relating to Baldwin County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Baldwin County shall receive the following annual salaries and allowances, in lieu of all other compensation:

(a) Probate Judge—salary: \$7,500., maximum clerk hire allowance: \$10,500.

(b) Tax Assessor—salary: \$6,000., preparing plat books, \$600., maximum clerk hire allowance: \$6,000.

(c) Tax Collector—salary: \$6,000., maximum clerk hire allowance: \$4,200.

(d) Sheriff—salary: \$6,600., maximum allowance for paying subordinates: \$7,200.

(e) Circuit Clerk—salary: \$3,600., maximum clerk hire allowance: \$2,400.

(f) Register in Chancery—salary: \$2,400., maximum clerk hire allowance: None.

Section 2. All fees, commissions, allowances, percentages, charges, and costs (including allowances for feeding prisoners) heretofore collectible for the use of any of the officers enumerated in Section 1 of this Act must be collected for the use of the county and be paid into the general fund of the county.

Section 3. The compensation of the officers enumerated in Section 1 of this Act and of their clerks, deputies, and assistants shall be paid in equal monthly installments as the salaries of other county employees are paid.

Section 4. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates, subject to approval of the governing body of the county. But no officer shall use the allowance provided in Section 1 hereof for any purpose other than paying subordinates.

Section 5. The governing body of Baldwin County is authorized to adopt rules and regulations for conducting and operating the county offices affected by this Act, if such are necessary as a result of changing the method and basis of compensation.

Section 6. The governing body of Baldwin County shall provide the officers enumerated herein with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective as to the various offices affected by it upon the expiration of the terms of office of the incumbents and upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an act.

Approved August 17, 1951.

Time: 8:12 A. M.

Act No. 456

H. 832—Fite (Marion)

AN ACT

Relating to Marion County: To amend Section 1 of Act No. 307, H. 526, approved September 1, 1939 (Local Acts of Alabama, 1939, page 195), entitled "An Act to allow the Sheriff of Marion County an additional deputy sheriff; to provide the manner and method of his appointment and to fix his salary and make it payable out of the General Fund of the county in equal monthly installments; to prescribe his duties and powers and to provide for his assignment by the sheriff primarily in certain precincts in Marion County," as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 307, H. 526, approved September 1, 1939 (Local Acts of Alabama, 1939, page 195), as amended, is amended to read:

"The Sheriff of Marion County, Alabama, is hereby allowed an additional deputy sheriff, who shall receive a salary of not less than nine hundred (900) nor more than thirty-six hundred (3600) dollars per annum, to be paid in equal monthly installments out of the general fund of Marion County, the exact amount of the salary to be fixed by the Marion County Board of Revenue. The deputy sheriff shall be eligible to perform duties anywhere in the county, provided the Sheriff may from time to time assign him to perform such duties in certain precincts in Marion County as he may deem fit and proper."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:14 A. M.

Act No. 457

H. 833—Fite (Marion)

AN ACT

Relating to Marion County: To prohibit any mayor or recorder from assuming or exercising any jurisdiction whatsoever in any criminal

prosecution for an act or offense committed outside the police jurisdiction of the municipality for which such mayor or recorder was elected or appointed, and providing that the municipality shall be liable for a penalty at the suit of any person so prosecuted.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Marion County.

Section 2. It shall be unlawful for the mayor or recorder of any municipality in the county to assume or exercise any jurisdiction whatsoever in any criminal prosecution for the commission of an act or offense which occurred outside the police jurisdiction of the municipality for which he was elected or appointed; and in the event the mayor or recorder assumes or exercises jurisdiction in such a case, the municipality shall forfeit to the person so prosecuted the sum of one hundred dollars and any fine and all costs paid, to be recovered by him in any court of competent jurisdiction.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:15 A. M.

Act No. 458

H. 835—Fite (Marion)

AN ACT

To alter and re-arrange the boundaries of the Town of Guin, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Guin, Alabama, in the County of Marion, be and the same hereby are altered and re-arranged so as to include within the corporate limits of said Town of Guin all the following described territory and none other, to-wit:

All of Section 33; the E $\frac{1}{2}$ of Section 32; the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of Section 32; the SE $\frac{1}{4}$ of Section 29; the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 29; the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 28; the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28; the SW $\frac{1}{4}$ of Section 34; all in Township 12 South, Range 13 West. The NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5; the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 5; the N $\frac{1}{2}$ of N $\frac{1}{4}$

of Section 4; the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4; and the N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 3; all in Township 13 South, Range 13 West. All of said lands being in Township 12 South, Range 13 West and in Township 13 South, Range 13 West in Marion County, Alabama.

Section 2. All laws and parts of laws, either general, special, or local, in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. This Act shall become effective upon the first day of the month following its passage and approval by the Governor.

Approved August 17, 1951.

Time: 8:16 A. M.

Act No. 459

H. 836—Fite (Marion)

AN ACT

Relating to Marion County: To prohibit any justice of the peace or notary with powers of a justice of the peace from assuming or exercising jurisdiction in any criminal prosecution for an act committed outside the boundaries of the beat or precinct for which such justice or notary was elected or appointed, and making a violation of this Act a misdemeanor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in Marion County.

Section 2. It shall be unlawful for any justice of the peace or any notary public with powers of a justice of the peace to assume or exercise any jurisdiction whatsoever in any criminal prosecution for the commission of an act or offense which occurred outside the boundaries of the beat or precinct for which he was appointed or elected. Any person who violates this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished as prescribed by law.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:17 A. M.

Act No. 460

H. 841—Eslick, Reynolds (Madison)

AN ACT

Relating to Madison County: To transfer all jurisdiction of juvenile cases from the Juvenile Court of Madison County to the Inferior Court of Huntsville.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby conferred on the Inferior Court of Huntsville all the jurisdiction, powers, authority and duties which are conferred on juvenile courts by Chapter 7 of Title 13 of the Code of Alabama (1940) or by any other laws of the State, and such jurisdiction, powers, authority and duties are hereby withdrawn from the Juvenile Court of Madison County.

Section 2. The Judge of the Juvenile Court of Madison County, shall, immediately after this Act becomes effective, make an order transferring to the Inferior Court of Huntsville all cases pending on the docket of the Juvenile Court of Madison County relating to juvenile matters or to juvenile jurisdiction. Thereafter, the jurisdiction of the Juvenile Court in these matters shall cease and the jurisdiction of the Inferior Court of Huntsville shall attach.

Section 3. All cases involving juvenile matters which are pending on appeal from the Juvenile Court of Madison County upon the effective date of this Act shall be returnable to the Inferior Court of Huntsville.

Section 4. All laws or parts of laws in conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:18 A. M.

Act No. 461

H. 843—Eslick, Reynolds (Madison)

AN ACT

Relating to Madison County: To change the method of compensating the Sheriff of Madison County, placing him on a salary, and providing for his assistants, office space, and equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Madison County shall receive an annual salary of six thousand five hundred dollars (\$6,500) in lieu of all other compensation. He shall also receive an annual allowance of not more than twenty thousand dollars (\$20,000) for paying subordinates, whose salaries shall be subject to the approval of the governing body of Madison County and he shall select, hire and discharge not more than four deputies sheriff, including a chief deputy and such clerical assistants as may be necessary.

Section 2. All fees, commissions, allowances, percentages,

charges and costs heretofore collectible as provided by the 1940 Code of Alabama or any laws amendatory thereof or supplemental thereto for the use of the Sheriff of Madison County, and the compensation of the Sheriff and his subordinates shall be paid out of the county treasury in the same manner that the salaries of other county employees or officers are paid.

Section 3. The governing body of Madison County shall furnish the Sheriff not more than three automobiles to be used by him and his deputies solely for official business and shall pay for the operation, maintenance, and repair of such automobiles. The governing body of Madison County shall also provide the Sheriff with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of his office.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon the ratification of an amendment of the Constitution of Alabama authorizing such an Act.

Approved August 17, 1951.

Time: 8:19 A. M.

Act No. 462

H. 862—Wilkins, Pfleger, Gallalee

AN ACT

To Amend Section 78 of Title 62 of the Code of Alabama of 1940 relating to the holding of inquests by the Coroner of Mobile County, Alabama, and the summoning of a physician or surgeon by the Coroner to perform an autopsy.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 78 of Title 62 of the Code of Alabama of 1940 be amended so that same shall read as follows:

“Section 78. INQUESTS. In case of death due to violence it shall be the duty of the coroner, when he deems it necessary, to hold an inquest and inquire into the causes of death, and in holding such inquest he may impanel a jury consisting of six householders to decide and to determine the cause of death according to the facts and evidence testified to at said inquest. It shall be unlawful to remove or disturb the body of any one whose death is due to violence without an inquest by the coroner if he deems an inquest necessary. The coroner shall have the right and the

power to perform any and all autopsies upon the bodies of persons who have died by violence or other causes in order to ascertain or verify the cause of death, but in no event shall the fee or compensation provided for by Section 88 of Title 15 of the Code of Alabama of 1940, be due or payable from the County treasury to any surgeon or physician who may be summoned by the coroner of Mobile County, or his assistant, to make such post mortem examination if, at such time, the coroner of Mobile County is a person learned in medicine or surgery unless the summoning of such surgeon or physician be first approved by the presiding circuit judge of the County and the reasons for such approval endorsed on such summons by such Circuit Judge."

Section 2. That all laws, general, special or local, in conflict herewith, be and the same hereby are repealed or declared inoperative as to Mobile County in this State.

Section 3. That this act shall be effective and in force on and after its passage, and approval by the Governor, or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:20 A. M.

Act No. 463

H. 97—Wood

AN ACT

To provide for the election of the members of the Court of County Commissioners of Washington County.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the expiration of the terms of the present members of the Court of County Commissioners of Washington County their successors shall be elected at large by the qualified electors of Washington County and must be residents of their home districts.

Section 2. All laws or parts of laws which conflict with the provisions of this Act are repealed.

Section 3. This Act shall not become effective unless a majority of the qualified electors voting in an election to be held in Washington County on the first Tuesday following the expiration of three months after the final adjournment of the present session of the Legislature shall vote to adopt the provisions of this Act. On the ballot to be used at the election, which the governing body of the county shall provide for holding, the question shall be: 'Do you favor the adoption of the provisions of House Bill 97 as passed by the Legislature of Alabama at its 1951 Regular Session?' Only qualified electors of Washington County shall be entitled to vote at such election. Notice of the election shall be

given by the probate judge not less than ten days before the election is to be held. The election shall be held and conducted and the returns thereof canvassed and tabulated in the same manner that constitutional amendment elections are held and the returns thereof canvassed and tabulated. If a majority of the votes cast at the election shall be in favor of the proposal, the provisions of this Act shall become effective immediately in Washington County, but if a majority shall oppose the proposal, the Act shall have no further force or effect.

Approved August 17, 1951.

Time: 8:22 A. M.

Act No. 464

H. 449—Hawkins (DeKalb)

AN ACT

To authorize the governing body of DeKalb County, Alabama, to impose an excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline, naphtha and other liquid motor fuels or any devices or substitutes therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, co-partnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in DeKalb County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in inter-state commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in DeKalb County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into DeKalb County in tank quantities and stores the same and withdraws or uses same for any purpose.

Section II. The governing body of DeKalb County, Alabama, may impose an excise tax of not exceeding 1c per gallon on persons, corporations, co-partnerships, companies, agencies or as-

sociations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in DeKalb County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay excise tax of 1c per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in DeKalb County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in inter-state commerce nor to the sale, distribution, storage, or withdrawal from storage of gasoline which is delivered outside the county, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein imposed shall be in addition to any and all excise or other taxes imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline as herein defined by the State of Alabama or any other agency or subdivision of the State of Alabama except the governing body of said county shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the County governing agencies, municipalities and boards of education.

Section III. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction

thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section IV. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale or withdrawals of gasoline made in DeKalb County taxed under this Act.

Section V. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in DeKalb County shall make a report on blanks furnished under Section II hereof to the governing body of said County, showing the place and post-office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and post-office address and also the place and postoffice address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section VI. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provision of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section VII. It shall be the duty of the governing body of said County to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section VIII. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in

the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed to any Sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to the County of DeKalb by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section IX. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section X. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section XI. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in DeKalb County shall report to the governing body of said County on the first day of January, April, July and October of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in DeKalb County, Alabama, during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section XII. Except as herein otherwise provided, the proceeds of any tax imposed under authority of this act shall be used exclusively for the surfacing, maintenance, repair and construc-

tion of public roads and bridges in DeKalb County and no part of such tax shall be pledged in anticipation of its collection for any purpose.

Section XIII. Upon the request of the governing body of such County, the State Tax Commission of Alabama, with the approval of the Governor, may collect the tax imposed under this Act for and on behalf of DeKalb County; and in that event it is given all the powers, jurisdiction, authority and privileges granted to the governing body of DeKalb County hereunder, and all reports, payments and information required to be made, paid or given to the governing body of such county, shall be made, paid or given to the State Tax Commission under the penalties and subject to the prosecution prescribed herein. This section being for the benefit of the County, the State Tax Commission and the State of Alabama, shall be chargeable only with the tax actually collected by it. The State Tax Commission, upon the collection of such tax shall, within five days remit the same to the governing body of DeKalb County.

Section XIV. The taxes levied under the provisions of this Act are for the purpose of constructing and maintaining county roads and of assisting the county in financing contracts entered into between DeKalb County and the State Highway Director of the State of Alabama which may provide for the construction of roads in DeKalb County and all proceeds of taxes collected under the provisions of this act shall be covered into DeKalb County Gasoline Fund of DeKalb County, Alabama, and to the extent necessary may be used to replace the loss of any funds from said Gasoline fund which is derived from State gasoline taxes and which may be pledged in the liquidation of any indebtedness incurred by virtue of said road program as set out in said contract.

Section XV. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section XVI. The excise tax imposed by the provisions of this Act shall expire August 1, 1955.

Section XVII. That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed insofar as they relate to DeKalb County, Alabama.

Section XVIII. This Act shall take effect and become operative on the 1st day of January, 1952, and upon its passage and approval by the Governor or is otherwise enacted into law.

Approved August 17, 1951.

Time: 8:23 A. M.

Act No. 465

H. 705—Givhan, Molette, Hardy

AN ACT

To authorize and empower Boards of Revenue, Commissioners Courts or like governing bodies, in counties having a population of not less than 52,000 nor more than 62,000 inhabitants according to the 1940 Federal Census, to appoint a County Treasurer, to fix the duties, ex-officio services, compensation and method of payment.

Be It Enacted by the Legislature of Alabama:

Section 1. Boards of Revenue, Commissioners Courts or like governing bodies in counties having a population of not less than 52,000 nor more than 62,000 inhabitants according to the 1940 Federal Census, are hereby authorized and empowered to appoint a County Treasurer for their respective counties.

Section 2. It shall be the duty of the County Treasurer to deposit all County funds in the Bank or Banks designated by the official governing body of the County; to file in the order in which they are received all claims against County funds, such file showing the date presented for payment, to whom allowed, when allowed, the character of the claim and the amount thereof; and except as otherwise provided by law, to pay the same after being passed and allowed; to keep a correct account of the receipts and disbursements of all money received by him for the County, charging himself with all money so received, from whom, on what account, and the amount, and crediting himself with all payments, stating the amount, character of claim and in whose favor; to furnish to each member of the County governing body quarterly, and more often, if required by said governing body, a financial statement showing the financial condition of the County as of that date, to be used as a guide in making appropriations; to prepare and submit to each member of the governing body, prior to October First of each year a tentative budget for the following fiscal year; to make reports, and give information as to the indebtedness of the County as shown by his records, whether bonds, warrants, or other indebtedness, and he shall designate for what the bond issues, warrants or indebtedness were made, when due and the amount of interest each shall bear; and to furnish all other information relating to the finances of the County.

Section 3. The County Treasurer shall issue and sign all checks, warrants, bonds or other financial papers required by law. In the event of his absence by reasons of illness or otherwise, rendering him unable to attend to business, the governing body may at a regular meeting designate one of its members to sign said checks and other financial papers during his absence.

Section 4. That the County Treasurer shall make and execute a bond for the faithful performance of his duties hereunder, in a sum to be designated by the governing body of the County in

an amount not less than \$25,000.00 payable to the County, and to be approved by the Judge of the Circuit Court and if there is more than one Judge of said circuit then by the Presiding Judge thereof.

Section 5. The County governing body of said counties may appoint as County Treasurer an elected County official or any other person of its choosing.

Section 6. The compensation of the County Treasurer for duties enumerated in this Act and for ex-officio services and contingencies shall be fixed by the Board of Revenue, Commissioners Court or like governing body in any amount deemed to be reasonable and necessary by said governing body.

Section 7. The provisions of this Act shall be applicable only to those counties in which the elective officials are now serving on a salary basis.

Section 8. That this Act amends Title 12, Sections 30 through 42 of the 1940 Code of Alabama as amended, and all other provisions of said article, not herein amended, and of laws passed heretofore relating to this subject, except as herein amended, are continued in force.

Section 9. That this Act shall take effect immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:24 A. M.

Act No. 466

H. 784—Bush

AN ACT

To alter and extend the boundaries of the City of Wetumpka, Elmore County, Alabama:

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Wetumpka, Elmore County, Alabama, are hereby altered and extended so that said boundaries shall include within the corporate limits of said City all the following additional property not presently located in said City, to-wit:

Begin at the southwest corner of Section 19, Township 18, Range 19, and run thence east on the south line of said section 145 feet, run thence north 17 degrees 26 minutes west along the east right of way line of the Wetumpka-Montgomery Highway a distance of 659.4 feet to the point of beginning of the tract herein described: From said point of beginning run north 85 degrees east to the east side of the Southwest quarter of the Southwest

quarter of said Section 19, Tp. 18, Range 19; run thence north along the east side of the West half of the Southwest quarter of said Section 19 to the northeast corner thereof; run thence west along the north side of said Southwest quarter to the east side of the right of way of said Highway; thence southerly along the east right of way line of said Highway to the point of beginning; said tract being located in Section 19, tp. 18, Range 19 and in Section 24, Tp. 18, Range 18, Elmore County, Alabama.

Section 2. This Act shall become and be effective upon its passage and approval or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:25 A. M.

Act No. 467

H. 842—Eslick, Reynolds (Madison)

AN ACT

Relating to Madison County: To change the method of compensating the Probate Judge, providing him with assistants, office space and equipment.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Madison County shall receive as his entire compensation, in lieu of all other compensation provided by law, an annual salary of ten thousand (\$10,000) dollars. He shall have the right to employ a chief clerk at an annual salary of \$3,000.00, and this salary shall be subject to increase, with the approval of the governing body of Madison County. He shall select, hire and discharge all other employees of his office, at salaries subject to the approval of the governing body of Madison County. Such salaries for all employees, including the chief clerk, shall not exceed \$12,500.00 per annum. The governing body of the county shall also pay the compensation of assistants and clerical help employed to prepare lists of qualified electors in the manner prescribed by Section 55, Title 17, Code of 1940.

Section 2. All fees, commissions, percentages, allowances, charges and costs heretofore collectible as provided by the 1940 Code of Alabama or any laws amendatory thereof or supplemental thereto for the use of the Probate Judge of Madison County shall be collected by him and paid into the general fund of the County, and the compensation of the Probate Judge shall be paid out of the county treasury in the same manner that the salaries of other county employees or officers are paid.

Section 3. The governing body of Madison County shall provide the Probate Judge with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of his office.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective upon the expiration of the present term of the incumbent Probate Judge of Madison County.

Approved August 17, 1951.

Time: 8:26 A. M.

Act No. 468

H. 850—Taylor, Wesley

AN ACT

To authorize, empower and require the County Board of Education of Butler County, Alabama to pay the costs and expenses of the quadrennial school census of said county, to purchase and procure any and all necessary items and services, to pay all of the expenses in connection with the operation of the office of the County Board of Education, its officers and agents thereof, and to pay for the same from County School Funds.

Be It Enacted by the Legislature of Alabama:

Section 1: That the County Board of Education of Butler County, Alabama, be and they are hereby authorized, empowered and required to pay the costs and expenses of the quadrennial school census of said County out of the County school funds of Butler County, Alabama.

Section 2: That the County Board of Education be and they are hereby authorized, empowered and required to purchase and procure any and all necessary items and services and to pay all expenses in connection with the operation of the County Board of Education, its officers and agents, and to pay for the same from school funds. Such authority shall include, without limiting the generality of the same, the purchase and procurement of office equipment, supplies, stationery, postage, post office box rent, office rent, telephone and telegraph tolls.

Section 3: All laws and parts of laws in conflict hereto are hereby repealed.

Section 4: This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:27 A. M.

Act No. 469

H. 866—Dumas, Morgan (Jefferson), Beatty, Meeks, Kaul, Huey, Adams (Jefferson)

AN ACT

For the relief of Mrs. Bessie Huey out of the general fund of Jefferson County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County is hereby authorized to pay to Mrs. Bessie Huey, the widow of former County Highway Department employee Jessie Lee Huey, the sum of three thousand Dollars, for the death of her husband, Jessie Lee Huey, who was killed while acting in the line of duty when the truck which he was operating was hit by the Louisville & Nashville R. R. Company freight train at a crossing about one (1) mile south of Oxmoor, Alabama, on January 30, 1950. The said sum of money is to be paid to the said Mrs. Bessie Huey out of such monies as may be constitutionally available, and it shall be the duty of the County Treasurer to pay said sum out of the general fund of said County.

Section 2. This act shall become effective immediately upon its passage or approval by the Governor, or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:28 A. M.

Act No. 470

H. 867—Dumas, Meeks, Morgan (Jefferson), Beatty, Kaul, Huey, Adams (Jefferson)

AN ACT

For the relief of H. D. VanNornum and Selina VanNornum, in the sum of One Thousand Six Hundred Twenty-Five (\$1,625.00) Dollars, in that on, to-wit, December 15, 1949, a duly authorized agent, servant, or employee of Jefferson County, Alabama, Charles A. Johnson, negligently drove a truck into an automobile in which H. D. VanNornum and Selina VanNornum were riding, painfully injuring them and causing extensive property damage, in Jefferson County, Alabama, near Homewood.

Be It Enacted by the Legislature of Alabama:

Section 1. That the County Commission of Jefferson County, Alabama, is hereby authorized to draw, or cause to be drawn, a warrant on the Treasurer of Jefferson County, Alabama, payable to H. D. VanNornum and Selina VanNornum, in the sum of One Thousand Six Hundred Twenty-Five and No/100 (\$1,625.00) Dollars, to compensate them for personal injuries and property damage sustained as a direct and proximate consequence of the neg-

ligence of an agent, servant, or employee of Jefferson County, Alabama, who was Charles A. Johnson, while acting within the line and scope of his employment as such in negligently driving a truck which was owned or operated by Jefferson County, Alabama, into, upon, or against the automobile in which H. D. VanNornum and Selina VanNornum were riding, or the trailer which it was pulling, painfully injuring them and causing property damage, said sum of One Thousand Six Hundred Twenty-Five (\$1,625.00) Dollars being for the purpose of compensating them for said injuries, medical expenses and property damage, and the Treasurer of Jefferson County, Alabama, is hereby authorized to pay such warrant to the said H. D. VanNornum and Selina VanNornum out of such funds not otherwise appropriated.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:28 A. M.

Act No. 471

H. 868—Dumas, Morgan (Jefferson), Beatty,
Kaul, Huey, Adams (Jefferson),
Meeks

AN ACT

To further define the powers and duties of the County Commission or other governing body of Jefferson County, Alabama, by whatever name said governing body may now or hereafter be called.

Be It Enacted by the Legislature of Alabama:

Section 1. **FINANCIAL STATEMENT.**—That as soon as practical after the first day of October of each year, the County Commission or other governing body of Jefferson County, Alabama, shall cause to be published in a daily newspaper of general circulation in said County a financial statement showing receipts and disbursements of all County departments, and shall also publish at the same time a list of the names of all persons drawing a salary from the County Treasury, together with the amount of salary paid to each.

Section 2. **SEVERABILITY.**—Should any part of this Act be declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 3. **REPEAL.**—All laws, or parts of laws, local, special or general, in conflict herewith are hereby repealed.

Section 4. **EFFECTIVE DATE.**—This Act shall take effect up-

on its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:29 A. M.

Act No. 472

H. 869—Dumas, Beatty, Meeks, Morgan (Jefferson), Adams (Jefferson), Huey

AN ACT

To amend Section 81 of Title 11, of the Code of Alabama of 1940.

Be It Enacted by the Legislature of Alabama:

That Section 81, of Title 11, of the Code of Alabama of 1940, be and the same is hereby amended to read as follows:

Section 81. Fees in misdemeanor cases where defendant pleads guilty.—In all misdemeanor cases for violation of any of the provisions of titles 23 and 36 cognizable in justice of the peace courts, courts created in lieu of justice of the peace courts, county courts, inferior courts, law and equity courts, or courts of like jurisdiction, where the defendant pleads guilty and no appeal is taken, no fee shall be taxed or collected in said courts for trial, solicitor's fees, or entering judgment in such cases. Provided, however, that the provisions of this Section shall not apply to counties having a population of 400,000 or more, according to the last or any subsequent federal census.

Approved August 17, 1951.

Time: 8:30 A. M.

Act No. 473

H. 905—Coburn

AN ACT

To amend Section 2 of Act No. 485 adopted at the 1949 Regular Session of the Legislature of Alabama Approved August 30, 1949 (Acts of Alabama of 1949, Regular Session, Page 704), which levied a Sales and Use Tax in Colbert County, so as to change the rate of the Use Tax levied thereby.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 485 adopted at the 1949 Regular Session of the Legislature of Alabama, approved August 30, 1949 (Acts of Alabama of 1949, page 704), be and the same is hereby amended to read as follows:

“Section 2. (a) In Colbert County, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in said county, of tangible personal property purchased at retail for storage, use or consumption in said county at the rate of one-half of

one per cent of the sales price of such property, regardless of whether the retailer is or is not engaged in business in this state, except as provided in subsection (b) of this section. (b) In Colbert County, Alabama, an excise tax is hereby imposed on the storage, use or other consumption in said county of any automotive vehicle purchased at retail for storage, use or consumption in said county at the rate of one-eighth of one per cent of the sales price of such automotive vehicle. Every person storing, using or otherwise consuming in said county tangible personal property purchased at retail shall be liable for the tax imposed hereby, and the liability shall not be extinguished until the tax has been paid; provided, however, that a receipt from a retailer maintaining a place of business in said county showing the payment of said tax shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer. (c) The tax levied in Section Two hereof shall be subject to all the definitions, exceptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, and punishment and deductions set out in Section 787 through Section 811 and Article 2 of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereto, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:31 A. M.

Act No. 474

H. 738—Huey, Adams (Jefferson), Beatty,
Morgan (Jefferson), Meeks

AN ACT

To provide for the combination of the office of License Inspector or Department of Revenue of Jefferson County, Alabama, and the office of Commissioner of Licenses of said County, whenever the offices of License Inspector or Department of Revenue or Commissioner of Licenses of said County shall become vacant, and to provide for the designation and appointment of the Director of Revenue to be head of such combined Department under the provisions of any applicable Civil Service or Merit System Law, and to provide for the salary of such Director, and to provide for the employees of such Department of Revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever the office of License Inspector or Department of Revenue, or the office of Commissioner of Licenses of Jefferson County, Alabama, shall become vacant so that the present incumbent of any of such offices shall no longer hold

such office, then and thereupon and at such time the office of License Inspector or the Department of Revenue which may exist in said county, whether created by general or local act or code provision, and the office of Commissioner of Licenses of said county, whether created by general or local act or provided for in the Alabama Code of 1940, shall be combined into one office to be thereafter known and designated as the Department of Revenue of Jefferson County.

Section 2. The Department of Revenue herein provided for in said county shall have possession and exercise all of the powers, functions, and duties now or hereafter vested in the office of License Inspector or the Department of Revenue which may then exist in said county, and all of the powers, functions and duties now or hereafter vested in the office of Commissioner of Licenses of said county, as fully and effectively as if such powers, functions, and duties had been conferred specifically upon such Department of Revenue.

Section 3. The Department of Revenue hereinabove provided for in said county shall be under the supervision and control of a Director of Revenue, who shall nevertheless be subject to the general supervision of the County Commission, or shall be designated and appointed by the County Commission, and shall hold office subject to the provisions of such Civil Service or Merit System Law as shall have application in said county. Provided, however, the remaining incumbent as provided in Section 1 hereof, shall be the first Director of the combined office of the Department of Revenue of Jefferson County. The salary of the Director of Revenue shall be fixed by the County Commission upon the prior written recommendation of the Director of Personnel of the Personnel Board of Jefferson County, Alabama. Such written recommendation shall be based upon a study of the duties and responsibilities of the office and the salary schedules applicable to like public officials in counties and cities of comparable size.

Section 4. The Director of Revenue herein provided for shall have an assistant to be known as the Deputy Director of Revenue. Such Deputy Director of Revenue shall be appointed by the Director of Revenue subject to the approval of the County Commission of said county and shall hold office subject to the provisions of such civil service or merit system law as shall have application in said county. Provided, however, the first Deputy Director of Revenue to be so appointed shall be selected from the employees of such combined Department of Revenue without competitive examination of any civil service board, or merit system law as shall have application in said county. The Deputy Director of Revenue shall perform such duties as are assigned to him by the Director of Revenue, and shall have and exercise in

all matters the full authority granted by law to the Director of Revenue.

Section 5. The Director of Revenue, herein provided for, shall have full power and authority to establish, with the approval of the County Commission of said county, any other such divisions of the Department of Revenue as may be necessary to carry out the powers, functions, and duties hereinabove provided for, and to name, designate, and appoint the heads of such divisions and other needed employees, (the number of such employees to be subject to the approval of the County Commission of said county) all subject to the provisions of any Civil Service or Merit System Law which may have application in said county. All employees of the office of License Inspector or Department of Revenue, or the Commissioner of Licenses, and who are necessary for the operation of such combined office, shall continue as employees of such combined Department of Revenue on the basis of the same classification and rating then held by them under the provisions of any applicable Civil Service or Merit System Law in said county until their employment is changed in accordance with provisions of any such laws. Provided, however, the Director of Revenue with the approval of the County Commission may make such changes as will improve the efficiency of operation of such combined office or will avoid duplication of jobs, authority, or duties of such employees.

Section 6. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:32 A. M.

Act No. 475

H. 737—Huey, Adams (Jefferson), Meeks,
Beatty, Morgan (Jefferson), Dumas

AN ACT

To change the name and designation of the office of License Inspector in and for Jefferson County, Alabama, to the Department of Revenue of Jefferson County, and to change the designation of the License Inspector to Director of Revenue; to provide for the appointment, tenure, powers, and duties of the Director of Revenue; and to change the name and designation of the office of Chief Deputy License Inspector in and for Jefferson County, Alabama, to Deputy Director of Revenue, and to provide that the said Deputy Director of Revenue shall perform the duties and exercise the powers conferred upon the Chief Deputy License Inspector by Act No. 536 of the Acts of Alabama of 1947 (Local Acts of Alabama of 1947, page 359), approved October 2, 1947, as amended; and to grant power to said Department to require information to be furnished, and to require the production of books, records, and papers for inspection.

Be It Enacted by the Legislature of Alabama:

Section 1. The office of License Inspector in Jefferson Coun-

ty, Alabama, as created by Act No. 535, 1939 Local Acts, approved September 25, 1939, shall hereafter be known and designated as the Department of Revenue of Jefferson County, and the License Inspector of Jefferson County shall hereafter be known and designated as the Director of Revenue.

Section 2. The Department of Revenue of Jefferson County shall have and exercise all the powers, functions, and duties heretofore vested in the office of License Inspector or in the License Inspector in said county, including, without limiting the generality of the foregoing, those incident to the administration and enforcement of Act No. 424, General Laws of Alabama, approved July 8, 1943, (General Acts 1943, page 390 et seq.) as amended, Act No. 414, General Laws of Alabama, approved September 23, 1947 (General Acts of Alabama, 1947, page 304 et seq.) as amended, and Act No. 385, General Laws of Alabama, approved September 16, 1947 (General Acts of Alabama, 1947, page 280 et seq.) as amended, and all powers, functions, and duties vested in the office of License Inspector, or in the License Inspector, by any general act or acts, or any local act or acts applying in said county.

Section 3. All of the powers, functions, and duties of the Department of Revenue of Jefferson County shall be exercised by the Director of Revenue, who shall be subject to the general supervision of the County Commission of said county.

Section 4. The Director of Revenue shall continue to be designated and appointed by the County Commission of said county, and shall continue to hold office subject to the provisions of such Civil Service or Merit System Law as is applicable in said county.

Section 5. The Director of Revenue of said county, either in person or through his deputies or assistants, shall have power and authority to require individuals, partnerships, associations, corporations, trustees, and receivers, and the agents, officers, and employees thereof, to furnish under oath all such information as would be relevant to the liability of any such individual, partnership, association, corporation, trustee or receiver to pay any tax, license, fee, dues, assessment or court costs, the collection or enforcement of which is a duty of such Department of Revenue of Jefferson County, or the amount of any such liability or such tax, license, fee, dues, assessment or court costs, and to require the production for examination of all records, books, papers and documents of any kind demanded which may be relevant to such liability, or the amount thereof, and to answer questions under oath with respect thereto.

Section 6. The name and designation of the office of Chief Deputy License Inspector in and for Jefferson County, Alabama, is hereby changed to Deputy Director of Revenue; and the said

Deputy Director of Revenue shall perform the duties and exercise the powers conferred upon the Chief Deputy License Inspector of Jefferson County by Act No. 536 of the Acts of Alabama of 1947 (Local Acts of Alabama of 1947, page 359), approved October 2, 1947, as amended.

Section 7. This act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved August 17, 1951.

Time: 8:33 A. M.

Act No. 476

S. 418—Johnston (Mobile)

AN ACT

To separate the Division of Game, Fish and Seafoods of the Department of Conservation into two distinct divisions. To create within the Department of Conservation a division to be known as the Division of Seafoods. To provide for its personnel, powers, functions and duties. To provide further for the proper operation of said division. To rename the Division of Game, Fish and Seafoods. To authorize the transfer of certain functions and duties from the Division of Game, Fish and Seafoods to the Division of Seafoods. To rename the Game, Fish and Seafoods Fund. To create a Seafoods Fund. To provide what monies shall constitute such fund. To repeal Sections 111, 125, 126 and 127, Title 8 of the 1940 Code of Alabama. To repeal all laws or parts of laws in conflict with this Act and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, the term "Seafoods" shall include and mean all oysters, salt water fish, salt water shrimp, diamond back terrapin, sea turtle, crabs and all other species of marine or salt water animal life existing or living in the water within the territorial jurisdiction of the State of Alabama. As used in this Act, the term "Department" shall mean the Department of Conservation. As used in this Act, the term "Division" shall mean the Division of Seafoods or the Division of Game and Fish, whichever is applicable. As used in this Act, the term "Chief of Division" shall mean the Chief of the Division of Seafoods or the Chief of the Division of Game and Fish, whichever is applicable.

Section 2. The Division of Game, Fish and Seafoods of the Department of Conservation is hereby separated into two distinct and individual divisions. Their names shall be the "Division of Game and Fish" and the "Division of Seafoods". The Division of Game and Fish shall continue to have the personnel, duties, powers, functions and properties as provided by the laws which are included within Title 8 of the 1940 Code of Alabama, as amended, and which pertain to the Division of Game, Fish and Seafoods, except those duties, powers, functions and properties which pertain to seafoods. The duties, powers and functions

which pertain and relate to seafoods, which are contained within the laws set forth in Title 8 of the 1940 Code of Alabama, as amended, and placed within the Division of Game, Fish and Seafoods, are hereby transferred from the Division of Game, Fish and Seafoods and are placed within a division which is hereby created within the Department of Conservation to be known as the "Division of Seafoods".

Section 3. The Division of Seafoods shall be headed by and be under the direction, supervision and control of an officer who shall be designated "Chief of the Division of Seafoods". Said Chief shall be appointed by the Director of Conservation, with the approval of the Governor, and shall be under and subject to the provisions of the State Merit System.

Section 4. Before entering upon the discharge of his duties, the Chief of the Division of Seafoods shall take the constitutional oath of office. His salary shall be fixed by the State Personnel Board as it may deem appropriate or as otherwise fixed by law. He shall devote his full time to his official duties and shall hold no other lucrative position while serving as said Chief of the Division of Seafoods.

Section 5. The duties and powers of the Chief of the Division of Seafoods will be those duties and powers heretofore exercised by the Chief of the Division of Game, Fish and Seafoods with reference to seafoods, and the Chief of the Division of Game and Fish is hereby expressly relieved of any duties or powers with reference to seafood matters.

Section 6. All equipment, material, stores and personnel heretofore under the Division of Game, Fish and Seafoods and used in reference to seafood matters are hereby transferred and placed within the Division of Seafoods.

Section 7. That fund within the Department of Conservation which is known as the "Game, Fish and Seafoods Fund" is hereby renamed the "Game and Fish Fund". This fund shall consist of the same monies as set forth in Act No. 229, 1945 General Acts of Alabama, page 352, except:

(a) Those monies received from any business or activity relating to the taking, catching, processing or handling seafoods, including occupational and privilege license taxes pertaining to the seafood industry.

(b) Those monies derived from the administration and enforcement of seafood laws and regulations based thereunder, including fines, penalties and forfeitures pursuant thereto.

(c) Those monies accruing from the sale, leasing, dredging or removal of oyster shells.

(d) All monies accruing to the Seafoods Division from any source.

Section 8. There is hereby created and there shall be a fund which shall be known as the "Seafoods Fund". This fund shall consist of:

(a) Twenty-one Thousand Five Hundred (\$21,500) Dollars which shall be, upon the effective date of this bill, transferred from the Game, Fish and Seafoods Fund to the said Seafoods Fund. This amount shall not be a reoccurring appropriation, but represents a portion of that amount within the Game, Fish and Seafoods Fund collected from seafood occupational licenses and other revenue which has been credited to seafood activities.

(b) All monies received from all occupational and privilege licenses or taxes imposed by the State on any person, firm or corporation for engaging in any business or activity relating to the taking, catching, processing or handling seafoods as defined within this Act.

(c) All revenue derived from oyster bottom leases.

(d) All monies paid, derived or received arising from fines, penalties or forfeitures of the seafood laws of this State or the rules and regulations based thereon.

(e) All monies derived from the sale, leasing, dredging, excavation or removal of oyster shells from the bottoms of any bay, lagoon, estuary, bayou or salt water area within the jurisdiction of the State of Alabama.

(f) All monies accruing to the Seafoods Division of the Department of Conservation from any source whatsoever.

Section 9. Each officer or employee of the Department of Conservation, or other person charged with the duty of collecting any of the funds or monies mentioned in Section 8 hereof, shall remit all such collections on the first day of each month directly to the Director of Conservation, who shall, upon receipt thereof, remit such collections to the Treasurer of the State of Alabama to the credit of the Seafoods Fund.

Section 10. The said Seafoods Fund hereby created shall be used and expended by the Director of Conservation in furtherance of the preservation, protection, propagation and development of salt water fish, shrimp, oysters and other shell fish and crustaceans and the development of the seafoods industry and salt water sports fishing. The appropriation provided for by Section 4 of Act No. 51, 1947 General Acts of Alabama, shall be paid out of said fund. The Director may also make expenditures out of such fund for any additions and betterments which the Director, with the approval of the Governor, deems beneficial to the

area. When so expended, same shall be paid out on the requisition of the Director of Conservation and charged to said fund. All necessary expenses of the Division of Seafoods of the Department of Conservation, including its pro rata portion of the administrative expenses of said Department, shall likewise be paid out of said fund on requisition of the Director of Conservation. Provided, however, no funds shall be withdrawn nor expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Title 55, Chapter 4, Article 3 of the Code of Alabama of 1940, and only in the amounts and for the purposes provided by the Legislature in the General Appropriation Bill.

Section 11. The offices of Chief Oyster Inspector and Chief Enforcement Officer are hereby abolished and the duties and powers heretofore held by said officers are to be vested in the Chief of the Division of Seafoods, who shall perform said duties and exercise said powers through himself or through other employees of the Division of Seafoods in addition to his other duties.

Section 12. The employees of the Division of Seafoods shall diligently enforce all laws and regulations of the Department now existing or which may hereafter be enacted or promulgated for the protection, propagation, preservation or conservation of the seafoods of the State of Alabama and shall prosecute all persons who violate any of such laws or regulations. Such employees shall, at any and all times, seize any and all oysters, salt water fish or other seafoods which have been caught, taken or transported in a manner contrary to the laws or regulations based thereunder of this State. All seafood which is seized by such employees shall be held as evidence and used in the trial of the violation for which it was seized. After the trial of such violation, the seafood which has been so seized shall be disposed of by order of the court in which the case was set or tried.

Section 13. The Chief of the Division of Seafoods and other employees of said Division are hereby constituted peace officers of the State of Alabama with full police power and jurisdiction to enforce all laws with reference to the seafoods of the State of Alabama and all rules and regulations promulgated by the Department of Conservation, and they may exercise such powers in any county of the State of Alabama and on any waters of this State. And they are hereby authorized to carry firearms or other weapons when they are actually in the discharge of their duties as such officers. They shall be clothed with the power to arrest with or without warrant any person who shall violate any of the laws of the State of Alabama or any rule or regulation of the Department, with reference to the protection, preservation, propagation or conservation of its seafoods, and take him before a justice of peace or proper court for trial. They shall visit the various factories and all places of business where seafoods are

dealt in and there inspect the oysters, fish and other seafoods on hand, the "barrel measures" used at said places of business and all nets, trawls and other devices for the taking or catching of seafoods, and they shall prevent and prosecute all violations of this title and all laws on this subject hereafter enacted.

Section 14. Sections 111, 125, 126 and 127, Title 8 of the 1940 Code of Alabama are hereby expressly repealed.

Section 15. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 16. This Act shall become effective on 1 October 1951 after its passage and approval by the Governor or its otherwise becoming a law.

Section 17. If any provision of this Act shall be adjudged invalid, unlawful or unconstitutional, such adjudication shall not affect the remaining provisions of this Act.

Approved August 17, 1951.

Time: 3:00 P. M.

Act No. 477

S. 497—Johnston (Mobile)

AN ACT

To authorize the Governor, the Director of the Department of Industrial Relations, the Director of Finance, and the Attorney General to become a public corporation for the purpose of acquiring land from the State upon which it shall, at a cost not to exceed three million, two hundred fifty thousand dollars, construct, operate, and maintain, or cause to be constructed, operated and maintained, an office building or buildings, the space therein to be rented to any department, board, bureau, commission, or agency of the State; and in order to provide funds therefor, to authorize said corporation to borrow money, issue and sell its bonds and pledge its income; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said income which filing will constitute constructive notice; to authorize the conveyance to said corporation of lands owned by the State; to provide for the lease to and by departments, boards, bureaus, commissions, and agencies of the State of space for occupancy in said building or buildings; and to provide that any properties of the corporation and the income therefrom and any securities issued and the income therefrom and any leases made and any lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that any securities issued by the corporation may be used as security for deposits of and for investment of public funds and shall constitute negotiable instruments; to authorize publication of notice of the resolution authorizing any securities and to specify a limitation of time thereafter for actions or defenses respecting said securities or pledge; to provide for dissolution of said corporation and conveyance of its properties to the State upon payment of said securities; and to repeal Act No. 146, approved June 23, 1945, General Acts of 1945, page 182, Act No. 147, approved June 23, 1945, General Acts of 1945, page 188 and as amended by Act No. 647, approved October 9, 1947, General Acts of 1947, page 500, Act No. 557, approved September 8, 1949, General Acts of 1949, page 868,

and Act No. 558, approved September 8, 1949, General Acts of 1949, page 869, and all other laws or parts of laws in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Intent.—It is the intent of the Legislature by the passage of this Act to authorize the incorporation of the Governor, the Director of the Department of Industrial Relations, the Director of Finance, and the Attorney General as a public corporation for the sole purpose of constructing, erecting, operating and maintaining, or contracting for the construction, erection, operation and maintenance of a State office building or buildings, the cost of which shall not exceed three million, two hundred fifty thousand dollars, and to vest such corporation with all powers, authority, rights, privileges, and titles that may be necessary to enable it to accomplish such purpose, including the appropriation and pledge of funds for the use of such corporation. This Act shall be liberally construed in conformity with the purpose expressed.

Section 2. Authority to Incorporate.—The Governor, the Director of the Department of Industrial Relations, the Director of Finance, and the Attorney General may become a corporation with the powers and authority hereinafter provided, by proceeding according to the provisions of this Act.

Section 3. Proceeding to Incorporate.—To become a corporation, the Governor, the Director of the Department of Industrial Relations, the Director of Finance, and the Attorney General shall present to the Secretary of State of Alabama an application signed by them which shall set forth: (a) the names, official designations and official residences of the applicants together with a certified copy of each of the commissions evidencing their right to office; (b) the date or dates they were respectively inducted into office and the term of offices of each of the applicants; (c) the name of the proposed corporation (which shall be Alabama Building Corporation if such name is available for use by the corporation, but if not available, then the applicants shall designate some other name that is available); (d) the location of the principal office of the proposed corporation; and (e) any other matter relating to the incorporation which the applicants may choose to insert and which shall not be inconsistent with this Act or the laws of the State of Alabama. The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State of Alabama to administer oaths. The Secretary of State shall examine the application and, if he finds that the name proposed for the corporation is not identical with that of a person or other corporation in this State, or so nearly similar thereto as to lead to confusion and uncertainty, he shall receive and file it in an appropriate book of record in his office.

Section 4. Certificate of Incorporation.—When the applica-

tion has been made, filed, and recorded, as herein provided, the applicants shall constitute a corporation under the name proposed in the application. The Secretary of State shall make and issue to the applicants a certificate of incorporation, pursuant to this Act, under the Great Seal of the State, and shall record the same with the application. There shall be no fees paid to the Secretary of State for any work in connection with the incorporation or dissolution of the corporation so organized (which for convenience, is hereinafter in this Act referred to as "The Corporation").

Section 5. Members, Officers and Directors of the Corporation.—The applicants named in the application and their respective successor or successors in office shall constitute the members of the corporation. The Governor shall be president of the corporation, the Director of the Department of Industrial Relations shall be vice-president, the Director of Finance shall be treasurer, and the Attorney general shall be the secretary. The said members shall constitute all the members of the Board of Directors of the corporation and any three members shall constitute a quorum for the transaction of business. Should any officer or director die or should his term of office expire or should he resign therefrom, his successor in office shall take his place as an officer and director of the corporation. No member, officer or director of the corporation shall draw any salary, in addition to that now authorized by law, for any services he may render or any duties he may perform in connection with the corporation. All proceedings had and done by the Board of Directors shall be reduced to writing by the secretary of the corporation and recorded in a well-bound book. Copies of such proceedings, when certified to by the secretary of the corporation under the seal of the corporation, shall be received in all courts as *prima facie* evidence of the matter and things therein certified.

Section 6. Corporate Powers.—The corporation shall have the following powers: (1) to have succession by its corporate name until dissolved as hereinafter provided; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties; (3) to have and use a corporate seal and to alter the same at pleasure; (4) to acquire from the State of Alabama, and hold title to, land in the City of Montgomery as hereinafter provided, together with all rights incidental to its estate in such property; (5) to construct or erect (under the supervision and direction of the Building Commission as hereinafter provided) operate, insure, and maintain or to contract for the operation, insurance and maintenance of the building or buildings of the corporation, together with all the rights incidental to such construction, operation, and maintenance; (6) to borrow money, not exceeding three million, two hundred fifty thousand dollars, and to issue (and do all things incidental to the issuance of) its bonds or other evidence of in-

debtedness; (7) as security for the payment of the principal of and interest on any money so borrowed, to enter into any lawful covenants, to pledge the revenues from the sources herein provided for and to execute any instrument or instruments of non-foreclosable deeds of trust and mortgages upon its properties; (8) to contract, lease, and make lease agreements as hereinafter provided including leases with any department, commission, board, or agency of the State for the use and occupation of all or any part of the office building or buildings constructed and operated by it; and, (9) after the completion of the building or buildings, to employ such employees and agents as the business of the corporation may require, but only under the Merit System and only to the extent deemed necessary by the Personnel Board.

Section 7. Borrowing by the Corporation.—All bonds or other evidences of indebtedness (which are collectively herein in this Act referred to as “securities”) of the corporation shall be signed by its president or vice-president, attested by its secretary, and bear the seal of the corporation. Any pertinent interest coupons annexed to the securities of the corporation shall be signed by the president, but a facsimile of the president's signature may be impressed on any such interest coupons in lieu of his signing the same. If any officer duly authorized thereunto, after signing manually or by facsimile any such securities or the interest coupons thereunto appertaining shall for any reason vacate said office, nevertheless said securities and interest coupons may be delivered any time thereafter as the act and deed of the corporation. Any securities of the corporation may be executed and delivered by it at any time in such form and denominations and of such tenor and maturities, (said maturities shall be serial but the corporation shall have discretion as to the amount to mature each year), with such provisions not inconsistent herewith, and bear such rate or rates of interest payable and evidenced in such manner as may be provided by resolution of the Board of Directors. Said securities may be redeemed at such time, in such manner and upon such notice and interest premium as may be provided in the resolution adopted by the Board of Directors under which said securities shall be issued. Said securities may be in bearer form with interest coupons or registered as to principal and interest, or may be registered as to principal only, and upon surrender and endorsement or assignment, may be exchanged for a like bearer or registered security for a reasonable fee and upon such signature guarantees and other assurances as the corporation may prudently require. Such borrowing may be effected either by sale of such securities at private or public sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous, provided, that no sale of such securities shall be for a price less than the equivalent of par value computed on an interest rate not to exceed four per centum per annum plus ac-

crued interest, if any, to the date of delivery. Any securities so issued by the corporation may thereafter from time to time be refunded by the issuance and sale or exchange of refunding securities of the corporation on such terms as may be agreed on by the corporation and the holders of the securities so refunded, if such refunding is by exchange, and as may be determined by the corporation if such refunding is by sale of such refunding securities; provided, that the holders of any securities to be refunded shall not be compelled without their consent to surrender their securities for payment or exchange prior to the date on which they are payable or, if they are called for redemption, prior to the date on which they may be redeemed by the corporation under their provisions. Holders of refunding securities shall be subrogated and entitled to all priorities, rights and pledges to which the holders of securities refunded or purchased with the proceeds of refunding securities were entitled.

Section 8. Properties and Securities of the Corporation.—The properties of the corporation and the income therefrom and all lease agreements made by the corporation shall be forever exempt from any and all forms of taxation in the State of Alabama. All securities issued by the corporation shall be construed to be negotiable instruments exempt from all taxation in the State of Alabama as to principal and income. All debts assumed or created by the corporation and all securities issued by it shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the State of Alabama.

Section 9. Securities of the Corporation as Security for State Deposits and Investments.—Any securities issued by the corporation may be used by the holders thereof as security for deposits of any funds belonging to the State or to any instrumentality or agency of the State in any instance where security for such deposits may be required by law. Any surplus in any State fund and any retirement and/or trust fund, wherein the investment thereof is provided by law, may be invested in the securities issued by the corporation.

Section 10. Use of Proceeds from Sale of Securities.—All proceeds derived from the sale of any securities (except refunding securities) sold by the corporation shall be turned over to the State Treasurer and shall be carried by him in a special account to the credit of the corporation and shall be subject to be drawn on by the corporation solely for the purposes of constructing, erecting, and equipping an office building or buildings and all reasonable and necessary expenses incidental thereto and to the issuance of said securities, including interest which shall accrue on said securities during the construction of said building or buildings and for a period not exceeding six months thereafter. Any balance in said account shall, upon completion of the building or buildings and the payment of all costs, be transferred to the

redemption and sinking fund account of the corporation, and no additional securities of the corporation shall thereafter be authorized, except refunding securities as herein authorized. The reasonable and necessary expenses incidental to the construction of any such new building shall, if deemed advisable by the corporation, include all or any part of the expense of providing adequate housing, during the construction of such new building, for any state agencies using any building or other structure which is demolished for the purpose of providing a suitable site for the construction of any such new building.

Section 11. Construction of Building.—The building shall be constructed (under plans and specifications of architects or engineers selected by the Building Commission) for the corporation under the supervision and direction of the Building Commission of 1945 (created under Act. No. 128, approved June 16, 1945), or any agency designated by the Legislature as its successor, upon award for each part of the work to the lowest responsible bidder after advertising for receipt and public opening of sealed bids, provided that in determining the lowest responsible bidder the invitations for bids and bidding documents shall be so arranged that any alternates from the base bid shall constitute cumulative deductions from the base bid, and in determining the lowest bidder, if the funds are insufficient to construct the building on the lowest base bid, then the commission may proceed to consider the bids upon the basis of the base bids of all bidders minus the respective reductions stated for the first alternate, and if the lowest bid so determined is not then within the funds available, the commission shall proceed to consider the base bids minus the first and second alternates together to determine the lowest bid, and in like manner throughout all alternates, if need be, so that in no event shall there be any discretion as to which alternate or alternates will be used in determining the lowest responsible bidder. All such contracts shall be lump sum contracts. All contracts for the entire work shall be awarded at the same time but notice to proceed may be withheld until prior work under another contract has progressed to a point where the joint or following work can best be coordinated for the earliest completion of the entire project in a sound and workmanlike manner. The contracts shall be executed by the corporation upon the determination of the Commission as to the lowest bidders, respectively. Payments made by the corporation under the construction contracts shall be upon the contractor's written sworn request only if endorsed as approved by the Commission or in any lesser amount the Commission shall endorse as having been then earned on said contract. The corporation and the Commission shall agree to a construction cost estimate including reimbursement to the Commission of its reasonable direct costs in having plans, specifications and contract documents prepared and in supervising and inspecting the work. After the contracts have been awarded such

construction cost estimate shall be revised and all extras on the contracts shall be awarded within the funds available. Upon the effective date of this Act the Commission shall proceed with preparation of plans, specifications and bidding documents so that bids may be asked as near to ninety days after the effective date hereof as is possible.

Section 12. Conveyance to Corporation by State.—The Governor of Alabama is authorized and directed to execute and deliver immediately before or simultaneously with the issuance of the first block of the securities of the corporation an appropriate deed conveying to the corporation any land belonging to the State adjacent to, or in the vicinity of the Capitol Building block, situated in the City and County of Montgomery, Alabama.

Upon delivery of such deed to the corporation it thereby shall be invested with all rights that the State of Alabama had in the property conveyed thereby subject to the right of reverter to the State upon the dissolution of the corporation. The consideration for said conveyance shall be the corporation's undertaking to reconvey said land with improvements free of charge to the State immediately before the dissolution of the corporation. Since said land would otherwise remain unimproved, said consideration is hereby conclusively determined to be valuable, adequate and fair.

Section 13. Revenues of the Corporation.—For the purpose of providing funds for the payment of the costs and expenses necessary to accomplish the purpose of this corporation and for the payment of the principal of and interest on any securities issued by the corporation under the provisions of this Act, there is hereby created and irrevocably pledged to the payment of such obligations a special and continuing trust fund which shall consist of all receipts and income from rents contracted for and received by the corporation. There is hereby created within said special and continuing trust fund a redemption and sinking fund account of said corporation in the State Treasury in which shall be placed as a trust fund and held separate and apart from all other monies of the State or of the corporation, first, any monies left over after the completion of the building and the payment of all costs in connection therewith and in connection with the issuance of the securities and, second, all excess rentals and other surplus income after the payment of all annual charges in each fiscal year, including principal and interest. Said redemption and sinking fund shall be held by the State Treasurer in trust for the corporation and the holders of its securities and may be invested only in securities which are either direct obligations of the United States of America or fully guaranteed as to principal and interest by the United States of America. Said redemption and sinking fund shall be used to pay, when due and payable, any payment of principal and interest or both on the outstanding

securities of the corporation which cannot be met out of current revenues or other monies of the corporation. Said fund shall not be diverted or used for any other purpose. There is hereby created in said special and continuing trust fund an account thereof in which shall be deposited, segregated and held only the amounts reasonably estimated to be necessary for the maintenance, operation and upkeep of said building with all excess monies at the end of each fiscal year being transferred to the redemption and sinking fund.

Section 14. Pledge and Lien for Benefit of Securities.—In the proceedings authorizing the issuance of any of its securities, the corporation is hereby authorized and empowered to pledge for the payment of the principal and interest on such securities, as the said principal and interest shall respectively mature, and to agree to use solely for such purpose, all the revenues which under the provisions of Section 13 hereof are appropriated and pledged, or authorized to be pledged, for the payment of the said principal and interest. In said proceedings the corporation may further provide and create a statutory lien as security for the payment of said principal and interest upon the buildings and properties. Such statutory lien shall not be subject to foreclosure and, in the event of default in the payment of any such principal or interest, the remedies thereunder shall be limited to a remedy by way of mandamus and to the appointment, as a matter of right, by any court having equity powers and having jurisdiction over the corporation, of a receiver in equity with all the powers of such a receiver. Upon the issuance of any securities pursuant to this Act the corporation shall file in the office of the Judge of Probate of Montgomery County, Alabama, an instrument reciting the issuance of such securities and the pledge of said revenues and the creation of said statutory lien as security therefor, and the filing of such instrument shall constitute constructive notice of said pledge and lien.

Section 15. State Treasurer to Disburse Funds.—Out of the revenues so appropriated and pledged, or authorized to be pledged in Section 13 hereof, the State Treasurer is authorized and directed to pay the principal of and interest on the securities issued and the obligations assumed by the corporation under the provisions of this Act, as such principal and interest shall respectively mature, and he is further authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 16. Terms and Conditions of Leasing by Corporation.—The corporation and the Director of the Department of Industrial Relations, or his successor in office or duties, are hereby authorized and directed to enter into a lease or leases for the use and occupancy of office and storage space of said building by the Employment Security Division of the Department of Industrial Relations, (that is, the federally assisted Alabama State Em-

ployment Service affiliated with the United States Employment Service and the Unemployment Compensation Agency, the administration costs of which are paid by grants from the United States under Title 111 of the Social Security Act) and other divisions or functioning units of the Department of Industrial Relations. The corporation and (a) the Commissioner of Agriculture for the Department of Agriculture and Industries; (b) The Director of Conservation for the Department of Conservation; (c) The State Superintendent of Education for the Department of Education; (d) the State Health Officer for the State Health Department; (e) the President of the Public Service Commission for the Public Service Commission; and (f) the Director of Commerce for the Department of Commerce, are hereby separately authorized and directed to enter into lease agreements for use and occupancy of all or any part of the remaining office and storage space in said building. Should the space therein not be filled by such use and occupancy, then any remaining space may be offered to and leased by other state officers, agencies, boards, commissions, corporations, or bureaus. The corporation may also enter into leases with individuals with respect to concession space such as that for a cafeteria, lunch room, or vending machines, if it shall determine that such concession will not interfere with, but will better serve, the occupancy of said office building by the boards, bureaus, agencies, commissions, departments, offices and instrumentalities of the State. No free space shall be available in said building so long as the corporation's securities and interest thereon including extensions or refundings remain unpaid. Should any space become vacant in said building, then no officer, agency, board, bureau, commission, or other authority of the State of Alabama shall rent any further space or renew any lease for space in or about the City of Montgomery for office use or storage space until after all of the vacant space in said building shall have been filled: Provided, that the foregoing restrictions shall not apply to storage space only if the Directors of said corporation and the governor agree that the space in said building is not suitable for the use of an agency desiring to lease other space. It is hereby covenanted that no building hereafter built shall be required to be occupied by any such State agency other than the agency for which such later constructed building is expressly built until the space in the building herein authorized is filled, and that whenever space in said building is, or about to become, vacant, uneconomic reconditioning of other office quarters will not be undertaken if leasing space in the building is more advantageous to the agency in question.

Such leases with any such State agency shall be in such form as not to constitute a debt of the State of Alabama and, only to the extent and only so long as now contrarily prohibited. Any such lease may contain and grant to the lessee therein successive options of renewing the said lease on the terms specified therein

for any subsequent fiscal year provided that liability for the payment of the rent shall never be for a term longer than one fiscal year. Any such lease may contain appropriate provisions as to the method by which the lessee may, at its election, exercise any of the said options of renewal. Any grants received by any such agency from the federal government for the making of rental payments, to the fullest extent permitted by the conditions there-to attached, shall be held in the State Treasury in a special account to be automatically transferred, when available, to the special trust fund of the corporation. To the extent that there is any state appropriation for the rental of the space so represented by a Federal grant, said State appropriation shall lapse pro tanto for the period of rental payment represented by said Federal grant.

If at any time there is, or about to be, vacant space in the said building and no state agency is able to take it, then, but only in such event, in order to prevent default under its securities, the corporation is hereby authorized to enter into leases with any county or municipal corporation or other public body including the federal government, or, if such public authorities have no need for such space, then with private persons, firms, corporations or associations for office purposes only, pursuant and subject to such rules and regulations as to occupancy as may be adopted by the corporation. Any such lease with a public authority or with a private person, firm, corporation or association shall not be for any purpose or effect of competing with private enterprise nor for lending public credit but solely for the use and benefit of the holders of the corporation's securities to avoid default and to insure the prompt payment of principal and interest when due, and the charges made for space leased to them shall be only such as shall be sufficient to pay said principal and interest and the costs of operating, maintaining and insuring said building.

All such leases shall be based upon a rental rate (established by resolution of the Corporation) commensurate with the commercial rates for similar space in a building of like character in the City of Montgomery and shall take into consideration the advantages of any improvements or devices such as air conditioning: Provided, that, if any Federal grant to or for a State agency shall be conditioned upon a cessation of "shelter rent" (i. e. an amount equivalent to the prorated amortization of all principal and interest for the space occupied in relation to all tenanted space from time to time) then such cessation may be granted after, but only after, the prorated space has been proportionately fully amortized and prorated interest paid, so long as said federal condition subsists, but nevertheless a rental payment for the fair cost of operation, maintenance and repair and any other running expenses shall continue.

Rental payments by State agencies shall be due in advance on

the first day of the fiscal year and shall upon being so paid entitle the agency to quiet possession and maintenance, repairs, utilities and other customary office building services, as agreed on for the remainder of said fiscal year. The rental payment for the first year or part of a year shall be due and payable when the corporation notifies the tenant agency that the space is tenantable with rent prorated for the remainder of the then current fiscal year.

Section 17. Validity of Securities.—Any resolution authorizing any securities hereunder shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive evidence that said securities have been duly authorized pursuant to the provisions of this Act, notwithstanding the provisions of any other bond laws or any other law now in force or hereafter enacted or amended. Upon the passage of any resolution providing for the issuance of securities under the provisions of this Act, the corporation may, in its discretion, cause to be published once in each of two consecutive weeks in a newspaper published and having general circulation in the City of Montgomery, a notice in substantially the following form (the blanks being first properly filled in):

“The Alabama Building Corporation (An Agency of the State of Alabama), on the _____ day of _____, 19____, passed a resolution providing for the issuance of _____ dollars of office building securities of said corporation. Any action or proceeding questioning the validity of said resolution or said securities or the pledge made therefor, or the proceedings under which said securities and pledge were authorized, must be commenced within twenty days after the first publication of this notice.

Alabama Building Corporation

By:_____

Its President”

Any action or proceeding in any court to set aside a resolution providing for the issuance of bonds under the provisions of this Act or to contest the validity of any such securities, or the validity of the pledge made therefor, to secure the same, must be commenced within twenty (20) days after the first publication of said notice. After the expiration of such period, no right of action or defense founded upon the validity of the resolution or other proceedings, if any, or of the securities, or pledge, shall be asserted, nor shall the validity of such resolution, proceedings, or securities be open to question in any court upon any ground whatever, except in an action or proceeding commenced within such period. Any such action and any action to protect or enforce any rights under the provisions of this Act shall be brought in the Circuit Court of Montgomery County, in Equity.

Section 18. Dissolution of the Corporation.—When all securities issued by the corporation and all obligations assumed by it under the provisions of this Act shall have been paid in full, the then president of the corporation shall thereupon execute and deliver in the name of and in behalf of the corporation an appropriate deed, to which the seal of the corporation shall be affixed and attested by the secretary of the corporation, whereby there shall be conveyed to the State all the buildings and other properties theretofore conveyed to the corporation. The then officers and directors of the corporation shall at such time file with the secretary of state a written statement, subscribed and sworn to by them, reciting the payment in full of all securities theretofore issued and assumed by the corporation and the execution and delivery of such deed to the State which statement shall be filed by the secretary of state and recorded with the certificate of incorporation of the corporation, whereupon the corporation shall stand dissolved.

Section 19. Severability Clause.—In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 20. Repeal of Conflicting Laws.—That Act No. 146, approved June 23, 1945, General Acts of 1945, page 182, Act No. 147, approved June 23, 1945, General Acts of 1945, page 188 and as amended by Act No. 647, approved October 9, 1947, General Acts of 1947, page 500, Act No. 557, approved September 8, 1949, General Acts of 1949, page 868, Act No. 558, approved September 8, 1949, General Acts of 1949, page 869, are hereby expressly repealed, and all other laws and parts of laws in conflict with the provisions hereof are, to the extent of any such conflict hereby repealed.

Section 21. Effective Date.—This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 17, 1951.

Time: 3:01 P. M.

Act No. 478

H. 665—Oden

AN ACT

To amend Sections 2 and 3 of Act No. 122 of the General Acts of the Alabama Legislature of 1951 entitled "To Propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Franklin County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Franklin County and the location of new industries

or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities”.

Be It Enacted by the Legislature of Alabama:

Section 1. That Sections 2 and 3 of Act No. 122 of the General Acts of the Alabama Legislature of 1951 be amended to read as follows:

“Section 2. An election upon the proposed amendment is hereby ordered to be held on the first Tuesday following the expiration of three months after the final adjournment of the 1951 Regular Session of the Legislature. At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: “Shall the following be adopted as an amendment to the Constitution of Alabama?”, after which there shall be set forth verbatim the amendment proposed in Section of this act, and after which there shall be printed the word “Yes” and immediately under that word there shall be printed the word “No”. Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his choice.

“Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the state such sum as may be necessary to defray the expenses of the election.”

Constitutional Amendment.

Passed the House August 7, 1951.

Passed the Senate August 21, 1951.

Act No. 479

H. 668—Coburn

AN ACT

To repeal Act No. 27, adopted at the Fifth Special Session of the Legislature of Alabama held during the year 1950, which proposed and provided for the submission of an amendment to the Constitution of Alabama relating to Colbert County for the purpose of validating Act No.

485 adopted at the Regular Session of the Legislature of Alabama of 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 27 adopted at the Fifth Special Session of the Legislature of Alabama held during the year 1950, which proposed and provided for the submission of an amendment to the Constitution of Alabama relating to Colbert County for the purpose of validating Act No. 485 adopted at the Regular Session of the Legislature of Alabama of 1949, be and the same is hereby repealed.

Section 2. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Constitutional Amendment.

Passed the House July 26, 1951.

Passed the Senate August 21, 1951.

Act No. 480

H. 988—Fite (Walker), Black

AN ACT

To Propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Walker County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Walker County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution of Alabama is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, any municipality in Walker County, or any one or more of them, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

"1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

"2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subdivision 1 above, to any person, firm, association or corporation.

"3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

"4. To become a stockholder in any corporation, association or company.

"5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

"6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

"7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Walker County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

"8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

"9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Walker County may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon any such municipality.

"The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Walker County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

"This amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives herein above set forth."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months after final adjournment of the present session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940). At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: 'Shall the following be adopted as an amendment to the Constitution of Alabama?', after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word 'Yes' and immediately under that word there shall be printed the word 'No'. Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor published in a newspaper in each county in the state once a week for four successive weeks next preceding the day herein appointed for the election, and in any county in which there may be no newspaper published the notice shall be posted at each court house therein. The expenses of the election shall be paid out of the State Treasury. There is hereby appropriated out of the General Fund of the State such sum as may be necessary to defray the expenses of the election.

Constitutional Amendment.

Passed the House August 14, 1951.

Passed the Senate August 21, 1951.

Act No. 481

S. J. R. 69—Johnston (Mobile)

SENATE JOINT RESOLUTION

Be it Resolved by the Senate the House concurring that S. B. 497 which has passed both houses be known as the Johnston (Mobile), Kendall, Merrill, Adams (Tallapoosa) and White (Covington) Bill.

Approved August 22, 1951.

Time: 4:50 P. M.

Act No. 482

S. J. R. 70—Johnston (Mobile)

SENATE JOINT RESOLUTION

Be it Resolved by the Senate the House Concurring that S. B. 418 which has passed both houses be known as the Johnston (Mobile), Pflieger, Wilkins, Gallalee and Brannan Bill.

Approved August 22, 1951.

Time: 4:51 P. M.

Act No. 483

H. J. R. 101—Martin, Huey

HOUSE JOINT RESOLUTION

WHEREAS The Crippled Children's Clinic has recently opened in Birmingham a one hundred bed orthopedic hospital at a cost of approximately two million dollars for the care and treatment of the crippled children of Alabama.

AND WHEREAS since established in 1929, the Crippled Children's Clinic with meager facilities has contributed immeasurably in the care, treatment, and rehabilitation of 11,521 patients representing practically every county in the State.

WHEREAS the Founders, three of whom still serve, Robert S. Smith, President, R. McL. Strong, and Dr. J. G. Vance, and the subsequent members of the Board of Trustees have in their guided wisdom provided facilities and services for the correction of twisted bodies and crooked limbs of innocent children regardless of race, creed or color.

AND WHEREAS the Citizens of Alabama from all walks of life, the press in general and Birmingham News Sports Editor, Zipp Newman, in particular, the football players of those teams known as the "Big Five" in the city of Birmingham namely, Ensley High School, Phillips High School, Ramsey Tech, West End High School, and Woodlawn High School, the radio including famous sports announcers and singers and, especially, the sports loving public in Alabama have all given universal support

to the annual Thanksgiving appeal to the extent that the new Crippled Children's Clinic and Hospital, fully equipped and free of debt, stands ready for dedication as an autonomous hospital unit in the great Alabama Medical Center.

NOW THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring, of the State of Alabama that the Crippled Children's Clinic, a statewide independent charity, be commended for the conception, birth and rearing of a vast humanitarian service for the needy handicapped boys and girls of Alabama.

BE IT FURTHER RESOLVED that the Crippled Children's Clinic and Hospital be congratulated upon the sound erection and financing of the finest orthopedic children's facility in the world where helpless crippled sons and daughters of Alabama will daily be transformed into happy, normal and useful citizens of our Commonwealth and Nation.

AND BE IT FURTHER RESOLVED that the Board of Trustees, the doctors under the able leadership of Surgical Director Dr. John D. Sherrill, the nurses, and entire Clinic staff be commended for their exemplary zeal and devotion which has won public approbation and support for the cause of the crippled child in Alabama.

Approved August 22, 1951.

Time: 4:52 P. M.

Act No. 484

H. 263—Russell, Harrison (Shelby), White (Covington), Shelton, Baker, Martin, Morgan (Jefferson), Dawkins, Pfleger, Kendall

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1952, and September 30, 1953, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of the Alabama Polytechnic Institute, the Board of Trustees of the University of Alabama, and the Board of Trustees of the Alabama Institute for Deaf and Blind, and for the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. The following appropriations, aggregating \$74,-038,804.00 for the fiscal year ending September 30, 1952, and \$76,-458,862.00 for the fiscal year ending September 30, 1953, are hereby made for the support of public education in Alabama; and, except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, con-

ditions, and limitations of the budget and financial control act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940.)

Section 2. DEPARTMENT OF EDUCATION. There is hereby appropriated for each of the fiscal years 1951-52 and 1952-53 to the Department of Education the following amounts:

Salary of the State Superintendent.....\$	7,500.00
Other salaries	207,500.00
Other expenses	57,700.00
Transfer to State Personnel Department	2,300.00
Total	275,000.00
For plans and surveys	25,000.00

Section 3. REVOLVING FUND. There is hereby appropriated to the State Board of Education for each of the fiscal years ending September 30, 1952, and September 30, 1953, the sum of \$50,000.00 to be known as the Revolving Fund, to be expended to relieve emergency conditions that arise in connection with the operation of the public schools, or in otherwise aiding the public schools in accordance with the provisions of statutes relating to the expenditure of such fund.

Section 4. MINIMUM PROGRAM FUND. In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1952, the sum of \$55,635,000.00 and \$57,565,000.00 for the fiscal year 1952-53, to be known as the Minimum Program Fund, which, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term. Provided further, that an amount equal to but not in excess of \$518,000.00 per annum, or as much thereof as may be necessary of this appropriation, be used by the State Board of Education to provide sick leave payments to teachers in the public elementary and high schools. The Minimum Program Fund shall also include any other appropriation or funds, either state or federal, which may be designated by the Legislature as

a part of the Minimum Program Fund. Provided that there shall be granted a minimum increase in yearly compensation to Public Elementary and High School Teachers in the sum of three hundred dollars and any county or city board of education failing to comply herewith shall not be entitled to participate in the Minimum Program Fund. Provided that County Boards of Education must expend that portion of their respective appropriation under the caption, "Capitol outlay, maintenance, repairs, etc," for the purpose specified in the Budget.

Section 5. FREE TEXTBOOKS. There is hereby appropriated to the State Board of Education for each of the fiscal years ending September 30, 1952, and September 30, 1953, the sum of \$450,000.00 to be expended for the purpose of furnishing free textbooks in the tax-supported public elementary schools of the State in accordance with the statutes and regulations of the State Board of Education in regard thereto.

Section 6. ALABAMA COLLEGE:

For the operation and maintenance of
the college\$ 515,000.00

Section 7. UNIVERSITY OF ALABAMA:

A. The University:

1. For operation and maintenance..... 2,417,500.00
2. For school of nursing..... 40,000.00

B. The University of Alabama Medical Center:

1. For the Medical College and School
of Nursing, for maintenance and
operation 1,013,000.00
2. For the School of Dentistry, for
maintenance, operation and equip-
ment 407,010.00

The above appropriation for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, Page 89, Section 9 of Act No. 207, 1945 Acts, Page 325, and Act No. 596, 1949 Acts, Page 927.

C. Research and Extension:

For Research and Extension work..... 160,000.00

The above appropriation shall be expended pursuant to the provisions of Act No. 157, 1943 Acts, Page 142.

Section 8. ALABAMA POLYTECHNIC INSTITUTE:

A. The College:

1. For operation and maintenance..... 2,164,000.00
2. Maintenance and operation of Farm
Machinery Building 11,600.00

B. School of Forestry:

For instruction in forestry and training for agricultural students.....	25,000.00
For research in forestry.....	25,000.00

The above appropriations to the School of Forestry shall be expended pursuant to the Provisions of Act No. 294, 1945 Acts, page 488.

C. Extension Work for Agriculture and Home Economics:

For Advising, demonstrating and in- forming people of Alabama in agri- cultural, farm and home pursuits, and other extension services.....	566,500.00
For Extension Service Marketing spe- cialists, for salaries and expenses....	75,000.00

The appropriation herein made to the Extension Service shall be expended under the Direction of the Board of Trustees of the Alabama Polytechnic Institute through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal Government.

D. Agricultural Research:

1. Alabama Agricultural Experiment Station at Auburn, for work and experimentation	442,500.00
2. For floriculture and ornamental Horticulture Study and Research....	12,500.00
3. Tennessee Valley Branch Station located at Bell Mina in Limestone County	12,500.00
4. Sand Mountain Branch Station lo- cated at Crossville in DeKalb Coun- ty	12,500.00
5. Black Belt Branch Station Located at Marion Junction in Dallas Coun- ty	14,900.00
6. Wiregrass Branch Station located at Headland in Henry County.....	12,500.00
7. Gulf Coast Branch Station located at Fairhope in Baldwin County.....	14,900.00
8. Piedmont Experiment Branch Sta- tion	14,900.00
9. Upper Coastal Plains Branch Sta- tion	14,900.00
10. Lower Coastal Plains Branch Sta- tion	14,900.00

11. For the support of researches and experiments on experiment fields....	24,000.00
12. Central Artificial Insemination Unit, for operation and maintenance	10,000.00
13. Horticultural Branch Station in Chilton County	12,500.00
14. Horticultural Branch Station in North Alabama	12,500.00
15. Wiregrass Experiment Station at Headland, Alabama	25,000.00

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama, is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing, and processing peanuts and preventing damage to peanut crops.)

That all research work and experimentation contemplated by the spirit and purposes of this sub-section (D) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of the Alabama Polytechnic Institute, who shall make a complete report to the Board of Trustees of the Alabama Polytechnic Institute for each of the fiscal years ending September 30, 1952 and September 30, 1953.

The funds provided in this sub-section (d) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing, and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaptation and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut, and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided,

however, that any researches in game and fish production shall be in cooperation with or upon the advise of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable, and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

Section 9. TEACHERS' RETIREMENT SYSTEM:

For the fiscal year ending September 30, 1952.....	4,227,610.00
For the fiscal year ending September 30, 1953.....	4,717,668.00

The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

Section 10. MISCELLANEOUS:

A. Illiteracy Fund:

For salaries	4,554.00
For other expenses	1,400.00
For disbursement to Counties	6,546.00

Total	12,500.00
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B. Teacher Training Equalization Fund:

For the Teacher Training Program at State Teachers Colleges at Florence, Jacksonville, Livingston and Troy	940,034.00
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C. Vocational Education:

For salaries	25,920.00
For other expenses	16,807.50
For equipment purchases	2,500.00
Disbursements to local boards and In- stitutions	2,359,672.50
Disbursement to City Board of Educa- tion, Decatur, Alabama, for main- tenance of Trade School	25,000.00

Total	2,429,900.00
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D. Physical Restoration of Crippled Children:

For salaries	36,844.50
For other expenses	13,250.00
For equipment purchases	800.00
Additions and Betterments	100.00

Reimbursement to Local Boards for		
District Offices	21,000.00	
Handicapped Individuals	308,005.50	
Total		380,000.00
E. Civilian Rehabilitation:		
Additions and betterments	250.00	
Handicapped Individuals	349,750.00	
Total		350,000.00
F. Alabama School of Trades and Industries		133,400.00
G. State Teachers Colleges:		
1. State Teachers College at Florence	95,500.00	
2. State Teachers College at Jacksonville	95,500.00	
3. State Teachers College at Livingston	88,500.00	
4. State Teachers College at Troy	88,500.00	
H. Alabama State College for Negroes	750,000.00	
I. Agricultural and Mechanical Institute at Normal	500,000.00	
J. Public School Fund	500,000.00	
K. Elementary Teachers' Scholarship Fund	25,000.00	
L. Regional Education	69,250.00	
M. Student Aid in Graduate and Professional Field	60,500.00	
N. Teachers' Special Pension Fund	105,000.00	
(Act No. 209, 1945 Acts)		
O. Vocational Trade School at Napier	104,000.00	
Trade School at Wenonah	85,000.00	
P. Temperance Education	25,000.00	

Section 11. ALABAMA INSTITUTE FOR DEAF AND BLIND:

For the maintenance, support, insurance and upkeep	663,000.00	
For salaries and expenses incident to instruction of adult Blind	55,000.00	
Total		718,000.00

Any unexpended balance at the end of each year shall not revert but shall remain with the institution for expenditure.

Section 12. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, the Alabama Polytechnic Institute, the Institute for the Deaf and Blind, and the Teachers' Retirement System by the provisions of this Act shall

be paid upon requisition upon the Comptroller made in the manner now provided by law.

Section 13. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provisions, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 14. All laws and parts of laws, general, special, private or local, in conflict with the provisions of this Act are hereby expressly repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 4:53 P. M.

Act No. 485

H. 274—Sellers

AN ACT

To amend Sections 60 and 61 of Title 36 of the Code of Alabama, 1940, which relate to the registration and licensing of drivers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 60 of Title 36 of the Code of Alabama, 1940, is amended to read:

“Such person shall apply under oath to the judge of probate of the county of his residence for said driver’s license or a renewal thereof upon a form which shall be provided by the director of public safety. At the time of filing any such application, the applicant shall pay to the judge of probate a fee of two dollars and twenty-five cents, and the judge of probate shall give him a receipt therefor on a form provided by the director of public safety.”

Section 2. Section 61 of Title 36 of the Code of Alabama, 1940, is amended to read:

“At the close of business on Monday of each week when any application has been received or temporary instruction permit hereinafter provided for has been issued, the judge of probate receiving such application or issuing such permit shall prepare a report of the same upon a form which shall be provided by the director of public safety. One copy of such report, together with all applications received and copies of all permits issued

shall be forwarded to the director of public safety and one copy shall be retained by the judge of probate. On the tenth day of every month the judge of probate shall prepare a report showing the number of applications received and permits issued and the amount of fees received during the previous calendar month. One copy of such report shall be forwarded to the director of public safety, one to the comptroller, one to the treasurer, and he shall retain a copy. He shall also at said time deliver to the treasurer the amount of all such fees collected less twenty-five cents for each application received or permit issued, which sum shall be retained by him. Two-fifths of each twenty-five cents retained by the probate judge shall be for his own use, and no other or further charge shall be made by him for services rendered in taking or receiving applications or issuing permits; the remaining three-fifths shall be paid into the general fund of the county. All funds remitted to the treasurer under the provisions of this section shall be kept in a separate fund in the treasury to be known as the 'highway patrol fund.'"

Section 3. This Act shall become effective October 1, 1951.

Approved August 22, 1951.

Time: 4:55 P. M.

Act No. 486

H. 930—Malone (Houston), Solomon

AN ACT

Relating to the Twentieth Judicial Circuit, which is composed of Houston and Henry Counties; fixing the compensation of the official court reporter of such circuit and providing for the payment thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The official court reporter of the Twentieth Judicial Circuit of Alabama shall receive a salary of forty-four hundred dollars per annum, thirty-two hundred dollars of which shall be payable in monthly installments by the counties composing the circuit, each county to pay its pro rata of such salary based upon the assessed value of all taxable property of such county for the preceding year on certificate issued by the judge of the court in favor of such reporter for the amount due by the county each month, and the remaining twelve hundred dollars shall be paid in equal monthly installments on the warrant of the state comptroller from the general fund in the state treasury.

Section 2. The salary provided for in this Act shall be the entire compensation of the official court reporter of the Twentieth Judicial Circuit of Alabama, and all laws or parts of laws, general, special, or local, which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 4:56 P. M.

Act No. 487

H. 642—White (Covington)

AN ACT

To make an additional appropriation to the State Board of Education in the sum of three thousand (\$3,000.00) dollars to be expended for regional education and to be paid out of any funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated to the State Board of Education the sum of three thousand (\$3,000.00) dollars to be expended for regional education to be paid out of any funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund.

Section 2. That this Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 22, 1951.

Time: 4:57 P. M.

Act No. 488

H. 809—Harrison (Shelby), Russell

AN ACT

To abolish the fund in the State Treasury known as the Governor's Contingent Fund and to repeal Section 179, Title 55, Code of Alabama 1940, which relates to the Governor's Contingent Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. That the fund in the State Treasury known as the Governor's Contingent Fund be, and the same is hereby, abolished.

Section 2. That Section 179 of Title 55, Code of Alabama of 1940 be, and the same is hereby, repealed.

Section 3. This Act shall become effective October 1, 1951.

Approved August 22, 1951.

Time: 4:59 P. M.

Act No. 489

H. 812—Harrison (Shelby), Russell

AN ACT

To create a fund in the State Treasury to be known as the Mansion Fund; to define the purposes for which said fund may be used and the manner of making withdrawals therefrom; to provide for the appropriation thereto; to repeal all laws in conflict herewith; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created in the State Treasury a fund to be known as the Mansion Fund. The purpose of said fund shall be to pay for all expenses incident to the operation and maintenance of the official residence of the Chief Executive of the State of Alabama, including all provisions, servants, upkeep and other items, and also all expenses for public or official memorials, entertainment, travel, and other items incident to his office or authorized by him, except that no part of said fund shall be used to pay the personal household expenses of the Governor or any of the members of his immediate family.

Section 2. The money appropriated to said Mansion Fund shall be subject to withdrawal and expenditure upon voucher authorized, approved, and certified by the Governor, upon which the comptroller shall issue his warrant.

Section 3. The expenditures from said Mansion Fund shall be limited to the amount appropriated thereto by the Legislature and shall be budgeted and allotted pursuant to the provisions of Title 55, Chapter 4, Article 3 of the Code of Alabama of 1940.

Section 4. That all laws, or parts of laws, in conflict with the provisions of this Act are hereby expressly repealed.

Section 5. This Act shall become effective October 1, 1951.

Approved August 22, 1951.

Time: 4:58 P. M.

Act No. 490

H. 984—Brown

AN ACT

To amend Sections 35 and 36 of an act entitled "An Act To provide for and regulate the assessment, levy and collection of Municipal taxes of the city of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said city of Opelika, and to make the Tax Collector of Lee County, Alabama, ex-officio collector of property taxes for the said city of Opelika.", approved September 2, 1935.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 35 of an act entitled "An Act To provide for and regulate the assessment, levy and collection of Mu-

municipal taxes of the city of Opelika, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said city of Opelika, and to make the Tax Collector of Lee County, Alabama, ex-officio collector of property taxes for the said city of Opelika.", approved September 2, 1935, be and the same is hereby amended to read as follows:

"Section 35. The Tax Assessor of Lee County shall be entitled to receive out of the first moneys collected for the city of Opelika, an amount equivalent to one percentum of all taxes collected for the city of Opelika each year as full compensation for all the duties to be performed by him hereunder."

Section 2. That Section 36 of said Act be and the same is hereby amended to read as follows:

"Section 36. The Tax Collector of Lee County shall be entitled to receive out of the first moneys collected for the City of Opelika a sum equivalent to one percentum of all taxes collected for the City of Opelika each year as his full compensation for all services to be performed by him with reference to City of Opelika taxes."

Section 3. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:00 P. M.

Act No. 491

H. 985—Brown

AN ACT

To amend Section 36 of an act entitled "An Act To provide for and regulate the assessment, levy and collection of Municipal taxes of the City of Auburn, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said City of Auburn, and to make the Tax Collector of Lee County, Alabama ex-officio collector of property taxes for said City of Auburn.", approved July 17, 1935.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 36 of an act entitled "An Act To provide for and regulate the assessment, levy and collection of Municipal taxes of the City of Auburn, in Lee County, Alabama, and to define the duties of State, County and Municipal offices and officers in regard thereto, and to fix the tax year for the said City of Auburn, and to make the Tax Collector of Lee County, Alabama ex-officio collector of property taxes for said City of Auburn.", approved July 17, 1935, be and the same is hereby amended to read as follows:

"Section 36. The Tax Collector of Lee County shall be entitled to receive out of the first moneys collected for the City of Auburn a sum equivalent to one percentum of all taxes collected for the City of Auburn each year as his full compensation for all services to be performed by him with reference to City of Auburn taxes."

Section 2. That this Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:01 P. M.

Act No. 492

H. 992—Leonard, Payne

AN ACT

To alter, rearrange and extend the boundaries of the City of Sylacauga in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Corporate Limits of the City of Sylacauga, Talladega County, Alabama, be changed and extended to include the following territory:

The Northeast one-quarter of the Northwest one-quarter of Section 6, Township 22 South, Range 4 East.

Section 2. This Act shall take effect immediately upon its passage and approval of the Governor.

Approved August 22, 1951.

Time: 5:02 P. M.

Act No. 493

H. 635—Harrison (Shelby), Russell, Wallace

AN ACT

To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering and veterinary medicine, and for graduate instruction of Alabama residents in home economics and agriculture.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$225,000.00 is appropriated out of the funds in the State Treasury not otherwise appropriated to the State Superintendent of Education in each of the fiscal years ending September 30, 1952 and September 30, 1953 for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering and veterinary medicine. At his option the State Superintendent of Edu-

cation may use a part of this appropriation during the school years 1951-52 and 1952-53 to negotiate contracts with Tuskegee Institute for graduate instruction of Alabama residents in home economics and agriculture. The State Superintendent of Education shall negotiate the contracts and expend the appropriations in accordance with those rules and regulations promulgated by the State Board of Education in compliance with Act No. 64, approved June 1, 1945 (General Acts of Alabama, 1945, S. 35, p. 61).

Section 2. This Act shall become effective on October 1, 1951.

Approved August 22, 1951.

Time: 5:05 P. M.

Act No. 494

H. 703—Denton

AN ACT

Relating to Blount County; creating a court of record, to be known as the Intermediate Court of Blount County; prescribing its jurisdiction and the practice and procedure to be followed therein, providing for the election of a judge thereof and fixing his qualification, term, and compensation, prescribing his authority and duties, and providing for other officers of the court, and fixing the costs to be collected therein; abolishing the Inferior Court of Blount County and the County Court, and revoking certain powers of the probate court and the judge thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. INTERMEDIATE COURT CREATED IN LIEU OF INFERIOR COURT. There is hereby created and established in and for Blount County a court of record, to be known as "The Intermediate Court of Blount County" (hereinafter referred to as "the court"), which shall have and exercise the jurisdiction hereinafter prescribed. The court shall be in lieu of the Inferior Court of Blount County, which court is hereby abolished.

Section 2. JURISDICTION. (a) The court shall have and exercise the jurisdiction of a justice of the peace in all civil cases, causes, proceedings, and matters of which justices have jurisdiction, and have and exercise jurisdiction, concurrently with the circuit court, of all civil actions which are cognizable by justices of the peace when the amount or sum in controversy is not in excess of five hundred dollars. In actions for the recovery of personal property mortgaged, pledged, or otherwise aliened to secure the payment of a debt, the amount or sum in controversy shall be the amount due on the debt.

(b) The court shall have original jurisdiction concurrently with the circuit court of all misdemeanors committed within Blount County, and, except as otherwise provided in this Act, the practice and procedure governing prosecutions, trials, and

judgments in misdemeanor cases shall be the same as in county courts.

(c) The court shall have exclusive jurisdiction of all cases, causes, matters, and proceedings of which juvenile courts have jurisdiction as provided in Chapter 7, Title 13, Code of Alabama (1940), or any statute amendatory thereof or supplemental thereto, and the practice and procedure with reference to such cases, causes, matters, and proceedings shall be the same as in juvenile courts established by said Chapter.

(d) The court shall have the same jurisdiction as a probate court in eminent domain proceedings as prescribed in Title 19, Code of Alabama (1940), and the practice and procedure in such cases, including the right of appeal and the conditions and terms thereof, shall be the same as in the probate courts. This subsection shall become effective January 20, 1953.

(e) The court shall have original and exclusive jurisdiction of lunacy inquisitions provided for in Article 2, Chapter 1, Title 21, Code of Alabama (1940), as amended, and the practice and procedure in such cases shall be the same as in the probate courts. If the jury find by their verdict that the facts alleged in petition are true, and that the person proceeded against is of unsound mind, the court shall certify the verdict of the jury, and the judgment of the court thereon, to the probate court of Blount County for proceedings under the general guardianship laws. When an application in writing is made to the court of probate for a revocation of the letters of guardianship and of the proceedings against one ascertained by a previous inquisition to be of unsound mind, on the entry of a contest of such application, the judge of the probate court must transfer the contest to this court, and like proceedings must be had as upon the original inquisition, and the verdict of the jury and the judgment of this court then certified to the probate court. This subsection shall become effective January 20, 1953.

(f) Upon the institution of a contest involving the validity of a will offered for probate, the probate court, or the judge thereof, must enter an order transferring the contest to the court herein established, and must certify all papers and documents pertaining to the contest to the court, and the cause shall be docketed and a special session of the court shall be called for the trial thereof. The issues must be made up as if the trial were to be had in the probate court, and the trial shall be had in all other respects as trials in other civil cases. An appeal to the Supreme Court may be taken from the judgment of the court within thirty days after the rendition thereof. After a final determination of the contest, the court shall certify a transcript of its judgment in such proceedings, together with all the papers and documents theretofore certified to it by the probate court, back to the probate court, to be recorded as all other contested will cases are recorded

in the probate courts. This subsection shall become effective January 20, 1953.

(g) The court shall have the same jurisdiction of election contests as the probate court or the judge thereof now has or may hereafter have under the general laws of the State, and the proceedings in such contests shall be the same as is now or may hereafter be provided for such proceedings in the probate courts. This subsection shall become effective January 20, 1953.

Section 3. OFFICERS OF THE COURT. (a) A judge of the court shall be elected by the qualified electors of Blount County at the general election in 1952, and every four years thereafter, to hold office from the first day of January next after his election, and until his successor is elected and qualified. The judge shall be a resident and qualified elector of Blount County at the time of his election or appointment and during his continuance in office. He must be learned in the law. He shall have and exercise all the jurisdiction, powers and authority and perform all the duties of a justice of the peace. He shall have the same authority to punish contempts as a circuit judge and to impose punishment therefor by fine not exceeding fifty dollars or imprisonment not exceeding five days, or both. He shall have power after January 20, 1953, to hear and determine petitions for writs of habeas corpus. He shall receive a salary of two hundred fifty dollars per month, which shall be paid out of the general fund in the county treasury.

Any vacancy occurring in the office of the judge shall be filled by appointment by the Governor for the unexpired term; PROVIDED, that if the Governor fails to make such an appointment within ten days after the vacancy occurs, the vacancy shall be filled by appointment by the governing body of the county; PROVIDED FURTHER, that the governing body of the county shall notify the Governor forthwith when a vacancy occurs.

In the event the judge is unable to discharge the duties of his office by reason of sickness, disqualification, or otherwise, the clerk of the court shall so certify to the circuit judge, who shall appoint an attorney at law as special judge to serve during the inability or absence of the regular judge. The person appointed as special judge shall receive the same compensation as the regular judge, to be paid out of the general fund of the county. In the event the regular judge is disqualified or is unable to serve for more than thirty days in any year, the amount of compensation paid to special judges for the time they served in excess of thirty days shall be deducted from the compensation due or to become due the regular judge.

Upon the passage of this Act, the Governor shall forthwith appoint a qualified person to serve as judge of the court until January 1, 1953.

(b) The county or deputy circuit solicitor of Blount County shall be solicitor for the court and prosecute all criminal or quasi-criminal cases commenced therein. For the performance of the extra, new, and additional duties imposed on him by this Act and for the performance of his regular duties, the county or deputy circuit solicitor shall receive a salary of one hundred seventy-five dollars per month, which salary shall be the entire compensation of such solicitor and be paid at the end of each month out of, and be a preferred claim against the general fund of the county.

(c) The circuit solicitor for the judicial circuit embracing Blount County shall have authority to appear for and represent the State in the court in any case in which the State is interested.

(d) The judge of the court must engage a competent reporter for each preliminary hearing and each will or election contest. Such reporter shall receive as compensation for such services the fees or allowances provided court reporters for similar services in the circuit court, and the claim therefor shall be a preferred claim against the general fund of the county.

(e) The clerk of the circuit court of Blount County shall be, ex officio, clerk of the court. He shall give bond, in such penal sum as the governing body of the county may prescribe, conditioned as required by law, with such surety as the probate judge may approve. The bond shall be filed in the office of the probate judge, and the premium thereon shall be paid out of the general fund of the county. The clerk shall issue all civil processes of the court, approve bonds in civil cases, keep a docket or dockets, certify appeals, and perform all the duties of a clerk of a court of record. For the performance of such services, the clerk shall receive the same fees, commissions, percentages, and allowances as circuit clerks receive for performing like services in like cases in circuit courts.

(f) The sheriff of Blount County and his deputies and the several constables in their respective precincts shall be officers of the court and shall execute the lawful processes of the court. For the performance of such duties in civil cases, such officers shall receive the same fees, commissions, percentages, or allowances as sheriffs receive for such services in like cases in the circuit courts, or probate courts, as the case may be.

Section 4. PRACTICE AND PROCEDURE. (a) The practice and procedure in this court with respect to civil cases shall conform to and be governed by the laws applicable to practice and procedure in justice of the peace courts insofar as applicable and except as otherwise provided in this Act. All judgments required to be signed shall be signed by the judge. Pleadings, when tested as to their legal sufficiency, and judgments and the records thereof shall be governed by the same laws as pleadings and judgments

in the circuit court. Every intendment is in favor of the sufficiency and validity of proceedings in the court when brought in question either directly or collaterally in any other court of this State if it appears on the face of the proceedings that the court had jurisdiction of the subject matter and the parties.

(b) All cases in the court shall be tried by the judge without the intervention of a jury, except when a jury has been demanded in an election contest or a will contest, and in inquisition proceedings. In all other cases the judge shall determine both the law and the facts. Any party shall have the right to appeal to the circuit court within five days from entry of judgment; and on appeal either party may demand a trial by jury under the same rules as are provided by law for demand of jury trials in cases of appeal from judgments of justices of the peace. The trial of appeals in the circuit court shall be de novo and according to the same procedure as apply to appeals from judgments of justices of the peace.

Appeals from judgments of the court to the circuit court in cases of forcible entry and unlawful detainer shall be taken within the same time and in the same manner and upon the same conditions with respect to bonds and surety as are applicable to appeals in like cases from justice of the peace courts.

Any party desiring to appeal shall give bond with sureties to be approved by the clerk conditioned to pay all costs which may be taxed against him in the circuit court. If the judgment appealed from is for the payment of money or for the recovery of personal property and the party appealing desires to have the judgment superseded, he shall give bond with sureties to be approved by the clerk and payable to the party or parties in whose favor the judgment was rendered, in such penalty as the judge may prescribe, conditioned to pay and satisfy such judgment and costs as may be awarded and taxed against him on the trial of the case in the circuit court. All such bonds shall be filed with and approved by the clerk within five days from the rendition of the judgment from which the appeal is taken. This paragraph shall not be applicable to judgments in forcible entry and unlawful detainer cases.

Appeals in will contests and election contests shall be direct to the Supreme Court of Alabama.

(c) It shall be the duty of the clerk to issue an execution on all judgments rendered in said court after five days and within fifteen days from the entry thereof and place the same in the hands of the sheriff or other officer of the court who shall return such execution within thirty days thereafter, said return to show that he has collected said judgment and paid the same or the amount collected, or is unable to find property of the person against whom said process issued out of which the execution can

be satisfied in whole or in part. Real property may be levied on and sold under any execution issued from the court without motion or other proceeding in the circuit court.

If it shall appear to the clerk that in any case where an execution has been returned and unsatisfied as to the cost of said cause and said cost can be collected by an alias execution, the clerk may issue such alias execution and may direct the sheriff or constable as to what property can be levied upon to satisfy said judgment.

When execution against the defendant is returned "no property found" an execution may issue against the plaintiff, in the name of the clerk, for all costs created by the plaintiff in obtaining his judgment or attempting to collect the same.

(d) In civil cases at law there shall be taxed and collected as costs, in like manner that costs are taxed and collected in justice courts, a charge of one dollar for each one hundred dollars, or fraction thereof, involved in the case, and in addition, in cases involving more than fifty dollars and not more than four hundred dollars, an additional fifty cents shall be taxed and collected in like manner. The costs so collected shall be paid into the general fund of the county.

The compensation of witnesses shall be the same as are now or may hereafter be allowed for like services in the circuit court in civil cases and in the county courts in criminal cases and shall be paid in like manner.

(e) The Court shall be open at all times for the transaction of business, and the judge shall by orders spread upon the minutes fix the time for holding regular and special sessions thereof.

The governing body of Blount County shall provide a suitable place in the courthouse for the holding of said court and for the transaction of its business, and furnish all the books, stationery, papers and other materials as are provided for the circuit court or which may be necessary for the operation and maintenance of the court.

Section 5. FINES AND FORFEITURES. All fines and forfeitures collected in criminal cases in the court shall be paid into the general fund of Blount County.

Section 6. COUNTY COURT ABOLISHED. The county court of Blount County, as now constituted, is abolished and it shall be the duty of the clerk of the county court of Blount County, as heretofore constituted, to transfer all cases pending in said court to the docket of this court within three days after January 20, 1953. This Section shall become effective January 20, 1953.

Section 7. TRANSFER OF CASES FROM INFERIOR COURT. The clerk of the Inferior Court of Blount County, as heretofore

constituted, shall transfer all cases pending in said court, together with all papers and judgment entries pertaining to said cases, to the court herein established within ten days after the passage and approval of this Act, and further proceedings thereon shall be as if the cases had originated in the court hereby established, or as if the judgments had been obtained in this court; provided, such judgments shall not have the status of judgments of a court of record.

Section 8. REVOCATION OF CERTAIN POWERS OF THE PROBATE COURT. The probate court or the probate judge of Blount County shall have no power or authority to hear and determine eminent domain proceedings, inquisition proceedings, will contests or election contests and any such cases pending in said court or before said judge on the effective date of this Section shall be transferred to the court herein established. Nor shall the probate court or the probate judge of Blount County have power or authority to hear and determine matters of preliminary proceedings or petitions for the writ of habeas corpus. This Section shall become effective January 20, 1953.

Section 9. REPEALER. All laws or parts of laws which conflict with this Act are repealed.

Section 10. SEVERABILITY. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. EFFECTIVE DATE. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise expressly provided herein.

Approved August 22, 1951.

Time: 5:06 P. M.

Act No. 495

H. 830—Fite (Walker), Black

AN ACT

To levy an additional tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in Walker County, Alabama, for any use gasoline as defined by Section 646 of Title 51 of the 1940 Code of Alabama, and to provide the method of collecting it and to prescribe and restrict the use to which it may be applied.

Be It Enacted by the Legislature of Alabama:

Section 1. That in addition to all other taxes and licenses there is hereby levied and every distributor, refiner, retail dealer or storer of gasoline in Walker County, Alabama, as they are defined by Section 646 of Title 51 of the 1940 Code of Alabama, shall collect and pay over to the State Department of Revenue, for

the use of Walker County, Alabama, an excise tax of one cent per gallon upon the selling, distributing, storing, or withdrawing from storage in said County for any use gasoline as defined in said Section; provided, however, that this excise tax shall not be levied nor paid on the sale of gasoline in interstate commerce nor to the Government of the United States nor its agencies nor direct to the State of Alabama, and provided further that where the said tax of one cent per gallon upon the sale, distribution, storage, or withdrawal from storage of such gasoline in said County shall have been paid by a distributor, refiner, or by retail dealer or storer, such payment shall be sufficient, the intention being that the said one cent additional tax shall be paid but once. And provided further that this excise tax shall not be levied nor paid on gasoline which is withdrawn from storage within said County for delivery only to a point or points without said County when the distributor or seller of such gasoline prepares and files with the State Department of Revenue written statements sworn to and subscribed in such form as may be required by the State Department of Revenue showing the name and address of the person to whom said gasoline is or has been delivered by said distributor, and the volume and kind of said gasoline, and the dates of such withdrawals, and the point or points without the County to which said gasoline is delivered or to be delivered.

Section 2. The said additional tax of one cent a gallon shall be collected by the State Department of Revenue in the same way and manner and at the same time that it collects gasoline taxes under Sections 646 to and including Section 665, of Title 51 of the 1940 Code of Alabama, as amended, and all remedies and powers provided by said Sections 646 to and including Section 665 shall apply to the enforcement of the collection of the additional tax levied by this Act, and all the provisions of said Sections with reference to the filing of reports, examination of books, and penalties shall apply to the additional levy made by this Act.

Section 3. The State Department of Revenue shall prepare and distribute such blank reports, forms, and other information as may be necessary for collection of the additional tax levied herein and shall have all the authority and duties in connection with the additional tax hereby levied as are now given by law to the said Department of Revenue for the collection of taxes levied by Section 647 of Title 51 of the 1940 Code of Alabama. The State Department of Revenue shall charge Walker County for collecting the additional tax levied by this Act a percentage of the said tax so collected on the basis that the cost of collecting the tax hereby levied bears to the total cost of collecting the total State gasoline taxes. The balance of the tax collected by it under this Act shall be certified to the State Treasurer between the first and fifteenth of each calendar month as belonging to Walker County, Alabama, and the State Treasurer shall there-

upon issue his warrants on the State Treasury payable to Walker County, Alabama, for the amounts so certified.

Section 4. All money received by Walker County under the provisions of this Act shall be placed by the Treasurer of said County in a separate fund or account to be designated "One-cent gasoline tax fund." It shall be used exclusively for the construction, maintenance, and supervision of black top, hard-surfaced roads and the construction, maintenance and supervision of permanent type bridges, and may be used to match State or Federal funds or grants and State and Federal funds or grants for the construction of public roads and bridges. It shall not be applied to nor pledged for any other purpose and no money can be borrowed against it.

Section 5. If any provision of this Act should be adjudged to be void that shall not affect or impair the validity of any other provision hereof. If any part of the tax levied hereby should be adjudged invalid that shall not affect or impair the validity of any other tax levied hereby.

Section 6. This Act shall take effect immediately upon its passage and approval or its otherwise becoming law.

Approved August 22, 1951.

Time: 5:07 P. M.

Act No. 496

H. 939—Dumas, Meeks, Huey, Kaul

AN ACT

To amend an Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, page 647, approved August 23, 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 of that certain Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, page 280, entitled "An Act to apply in, and only in, counties

which have a population of 400,000 inhabitants, or more according to the last or subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," be and the same hereby is amended to read as follows:

"Section 3. (a) Every distributor or seller of gasoline shall in addition to all other taxes and licenses imposed or levied by law, pay a license tax to the county equal to one cent on each gallon of gasoline by him sold, distributed, delivered, stored or taken out of storage within the county; provided, however, that where the additional license tax hereby required to be paid shall have been paid by a distributor or seller of gasoline, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on the same identical gasoline; provided, however, that any distributor or seller, in order to be exempt under this provision, shall first comply with the provisions of sub section (b) of this section. Sellers and distributors of gasoline shall pay the tax herein provided for on the basis of their sales, withdrawals, and distributions. Provided further, however, that this tax shall not apply to gasoline which is withdrawn from storage within the county for delivery to point or points without the county when the distributor or seller of such gasoline prepares and files with the Probate Judge of the County a written statement, sworn to and subscribed, showing the name and address of the person to whom said gasoline is or has been delivered by said distributor or seller and the volume and kind of said gasoline, and the dates of such withdrawals, and the point or points without the county to which said gasoline is delivered or to be delivered. (b) Any distributor or seller of gasoline selling, distributing, delivering, storing or taking out of storage gasoline purchased from any other distributor or seller of gasoline who has paid the license tax thereon as fixed by sub-section (a) of this section shall not be required to pay such license tax; provided, however, that in order to obtain such exemption such distributor or seller claiming such exemption must, on or

before the 25th day of November, 1947, and on or before the 25th day of each and every calendar month thereafter, file with the Probate Judge and License Inspector of the county, a written statement, sworn to and subscribed by such distributor or seller, claiming exemption, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of gasoline made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller, or other person from whom purchased, received, or procured, and the kind of such gasoline, the quantity of each kind of such gasoline, the date or dates on which purchased, received, or procured, and the disposition thereof by such distributor or seller claiming the exemption; such statement to be made in form prescribed by the License Inspector.

(c) Each and every distributor or seller of gasoline except such as claim and obtain exemption under the provisions of subdivision (b) of this section, shall, on or before the 25th day of November, 1947, and on or before the 25th day of each and every month thereafter, file with the Probate Judge and License Inspector of the county, on forms prescribed by the License Inspector, a written report, in duplicate, sworn to and subscribed by such distributor or seller, showing the name and address of such distributor or seller, each and every purchase, receipt or procurement of gasoline made by such distributor or seller during the calendar month next preceding, together with the name and address of the distributor, seller or other person from whom purchased, received or procured, the kind of such gasoline, the quantity of each kind of such gasoline, the date or dates on which purchased, received or procured; and which shall contain a detailed, itemized statement showing the name and address of each and every distributor or seller, or other person, to whom any gasoline is sold, distributed or delivered by such distributor or seller, together with the quantity of each kind of gasoline sold, distributed or delivered to each, the date or dates on which sold, distributed or delivered, and the place or places at which delivered and to be delivered for retail sale, including the name of any municipality of the county within the corporate limits of which delivered, or to be delivered for retail sale, and the aggregate quantities of each kind of gasoline delivered, or to be delivered for retail sale, therein; and any distributor or seller failing, refusing or omitting to file such a statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense.

(d) The license tax herein fixed and prescribed in subsection (a) of this section shall and must be paid by each person against whom the same is levied, or who is liable or subject to such tax under the provisions hereof, on or before the 25th day of each calendar month, at the time of filing the statement required by subsection (c) of this section, which license tax shall be based on the sale, distribution, delivery, storage and taking out of storage, of gasoline during the calendar

month next preceding; and any person failing, refusing, or omitting to pay such license tax within the time herein prescribed shall be guilty of a misdemeanor, and each day such default continues shall constitute a separate offense, and in addition to the other penalties herein provided for, there shall be added to such license tax a penalty of fifteen per centum of the amount thereof for such delinquency, or if such delinquent statement indicates that no tax is due the penalty shall be fifteen dollars, said penalty in either case to be paid to the probate judge and paid by him to the license inspector and by the license inspector into the general fund of the county.

Section 2. That Section 10 of that certain Act of the Legislature approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last of any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, Page 647, approved August 23, 1949, be and the same hereby is amended to read as follows:

"Section 10. (a) It shall be the duty of any person subject to the license tax imposed by this Act to keep full and complete records of all purchases, sales, receipts, inventories and of all other matters from which the correct amount of license tax to which such person is subject may be ascertained; to preserve same for a period of at least two years; and in the event that such person shall discontinue his business, he shall not destroy or dispose of such records until he shall have given the probate judge and the license inspector of the county thirty days' notice in writing of his intent to destroy or dispose of such records. The failure of such person to keep such records, or to preserve same as aforesaid, or his destruction or disposition of such records without giving such notice, shall constitute a misdemeanor. (b) Upon demand by the probate judge or his authorized deputy, auditor or representative or by the license inspector of the county, it shall

be the duty of any such person subject to the license tax imposed by this Act to furnish such demanding person, without delay, all such information as may be required for determination of the correct amount of license tax to which such person is subject, and to that end it shall be the duty of such person to submit to such demanding person, for inspection and examination, during reasonable hours, at such person's place of business within the county, all books of accounts, invoices, papers, reports, memoranda containing entries showing the amount of purchases, sales, receipts, inventories, and any other information from which the correct amount of license tax to which such person is subject may be determined including exhibition of bank deposit books and bank statements; and any such person whose place of business is located outside the county, shall upon the demand of such demanding person, produce such records at the office of the license inspector or probate judge for examination and auditing, or failing to do so shall pay the travel and per diem expenses of an auditor from the license inspector's or probate judge's office in coming to his place of business for the purpose of examining and auditing his books and records; and any person failing or refusing to submit such records for such inspection and examination upon such demand, shall be guilty of a misdemeanor. (c) If any person subject to the provisions of this Act does not have in such person's control or possession within the county, true and intelligible books of account, invoices, papers, reports or memoranda correctly showing the data and information necessary for determination of the correct amount of the license tax due, or if, having in such person's possession or under such person's control such books, invoices, papers, reports or memoranda, such person shall fail or refuse to submit and exhibit the same for inspection, and it shall be the duty of the license inspector or probate judge of the county to ascertain from such information and data as he may reasonably obtain, the correct amount of license tax due from such person, and to assess the same against such person and to give such person notice of said assessment and to demand of such person immediate payment to the probate judge of the amount of such license tax. If the amount of the license tax so ascertained and demanded is not paid within 10 days after receipt of notice of the assessment and demand for payment thereof, then, so long as said amount remains unpaid it shall be unlawful, and shall constitute a misdemeanor, for the person to engage in business as a distributor or seller, and each day's engagement in such business shall constitute a separate offense. (d) It shall be unlawful for any person connected with the administration of this Act to divulge any information obtained by him in the course of the inspection and examination of the books, invoices, reports, papers, or memoranda of the license taxpayer made pursuant to the provisions hereof, except to a person thereunto duly authorized by the governing body of a municipality of such county or

to the judge of probate, the county attorney, the license inspector or others connected with the administration of this Act, or unless required under proceedings or orders of any competent court. (e) Every person engaged in selling or transporting gasoline in any county subject to the provisions of this Act shall have at his place of business and also in his possession when transporting gasoline a report, or statement in writing showing from whom all gasoline in his possession was received; provided, however, this subsection shall not apply to a person who transports no gasoline except in the tank connected with the carburetor of the vehicle in which he is riding. Any person engaged in such business who transports gasoline for delivery at some point other than his place of business shall have in his possession a written report or statement showing the person to whom such gasoline is to be delivered, and showing the address of such latter person; provided, that this provision shall not apply to distributors duly qualified to do business in such counties in making local deliveries. Any person who sells, distributes, delivers, stores or takes out of storage gasoline in a tank-car truck or tank vehicle in such county shall have painted on the side of such truck or vehicle the word 'gasoline' and his business name and address, in letters of not less than four inches in height. (f) Every distributor and seller of gasoline who withdraws same from storage to be delivered to any person other than the ultimate consumers thereof shall require that such person make written affidavit, or statement in writing under penalty of perjury, showing the exact point or points to which each gallon of said gasoline is to be delivered; and it shall be the duty of each such distributor and seller to keep said statements under the provisions of this act. (g) No gasoline shall be unloaded from motor trucks, or other vehicles, or conveyed in any other manner into storage tanks, or other equipment located at any gasoline service station in the county, or at any other place of business in the county at which gasoline is sold or offered for sale at retail to the public, between the hours of 9 p.m. and 5 a.m. of any day. Any person who violates the provisions of this subsection shall be guilty of a misdemeanor.

Section 3. That Section 12 of that certain Act of the Legislature approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act;

and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, Page 647, approved August 23, 1949, be and the same hereby is amended to read as follows:

"Section 12. The license taxes required to be paid by this act shall be paid to the probate judge of the county and by him into the aforesaid special county gasoline tax fund and shall be distributed from such special fund as follows: One-half of one per cent of said tax first shall be paid to the probate judge to be paid by him to the general treasury of the county for the collection and distribution of said tax; one and one-half per cent of said tax shall be paid to the license inspector for the enforcement of the provisions of this act and shall be paid by the license inspector to the general treasury of the county; and remainder of the said tax, after first deducting the two per cent as above provided, shall be distributed as follows: To each municipality of the county within the corporate limits of which gasoline has been delivered according to report provided for in subsection (c) of Section 3 hereof, an amount equal to one cent on each gallon of gasoline shown by such report to have been delivered, or withdrawn for delivery for retail sale, within the corporate limits thereof; and to the county treasury, the entire remainder, for application as hereinafter prescribed. Such distribution shall be made on or before the 5th of the month following the month in which taxes are paid, and at the time of such distribution the probate judge shall deliver to the municipality of such county having the greatest population a copy of each report according to which distribution is made, the same to be subject to inspection by authorized representatives of all municipalities of the county. An authorized representative of any municipality of the county and the license inspector shall have the right to inspect the records of the maker of any report, and if by such inspection, or by an amended report of the distributor or seller, or otherwise, it be disclosed that because of any error in said report any municipality or the county treasury has received a greater or lesser sum than that to which it be entitled under the provisions hereof, then said error in distribution shall be corrected upon making subsequent monthly distributions by adding or subtracting the amounts of said deficiency or excess to or from the sums due to be distributed to said municipality or the county treasury on said monthly distribution dates; provided, however, that no said error shall be corrected more than two years after the making of such report.

License taxes hereinabove provided to be paid from said special county gasoline into the general treasury of the county shall be used solely and exclusively for construction maintenance, improvement and supervision of public roads and bridges in the county. All expenses of administration of this act shall be paid out of the general treasury of the county, in consideration of which two per cent of the tax is allowed to the county as above provided."

Section 4. That Section 16 of that certain Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more according to the last or subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," be and the same hereby is deleted, omitted, and repealed.

Section 5. That Section 17 of that certain Act of the Legislature approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this Act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or with-

drawn from storage; and to provide the effective date of this act," be and the same hereby is amended to read as follows:

"Section 17. Subject to rules and regulations promulgated by the County Commission, Board of Revenue or like governing body of such county the probate judge shall issue to applicants therefor permits to purchase, store or use "diesel oil," "tractor fuel", "gas oil", "distillate" or "liquefied gas" for purposes other than the operations of motor vehicles on the public highways, roads and streets of such counties without liability for the tax levied in Section 3 (a) of this act, and any distributor selling or distributing "diesel oil", "tractor fuel", "gas oil", "distillate" or "liquefied gas" to the holder of such permit, or to the holder of a permit issued by the Department of Revenue, or similar authority authorized by law, of the State of Alabama, authorizing the holder thereof to purchase, store or use "diesel oil", "tractor fuel", "gas oil", "distillate", or "liquefied gas" for the purposes other than the operation of motor vehicles on the highways of this state without liability for state excise tax, shall not be liable for the excise or license tax herein levied upon such sale or distribution to such holder it being the intent of this act that the said license tax shall be imposed only where such "diesel oil", "tractor fuel", "Gas oil", "distillate" or "liquefied gas" are used in the operation of motor vehicles on the public highways, roads and streets of such counties. An applicant for a permit under this section shall satisfy the probate judge that such "diesel oil", "Tractor fuel", "gas oil", "distillate" or "liquefied gas" will not be used in the operation of motor vehicles on the public highways, roads, and streets of such counties."

Section 6. This Act shall become effective October 1, 1951.

Approved August 22, 1951.

Time: 5:08 P. M.

Act No. 497

S. 517—Boutwell

AN ACT

Relating to Jefferson County: To amend Section 6, of act No. 536, S. 365, approved October 2, 1947, 1947 Local Acts, page 359, which relates to the collection of delinquent court costs and fees in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 536, S. 365, approved October 2, 1947, 1947 Local Acts, page 359, is amended to read:

"Section 6. That all executions for delinquent court costs and fees shall continue in force and effect for ten years from date of issuance unless sooner recalled in the manner hereinabove provided. The License Inspector shall have authority to accept par-

tial or installment payments thereon from time to time within his discretion. He shall have authority to file any such execution with the Probate Judge, whereupon it shall be the duty of the Probate Judge to record, register, and index such execution in all respects as is required as to a certificate of judgment rendered by the Circuit Court, and when so filed any such execution shall be a lien in favor of the County on all property of any party against whom such execution was issued, which is subject to levy and sale under execution, and such lien shall continue for ten years after date of issue of such execution, and the County shall have the same remedies for the enforcement of such lien as is given by law to the plaintiff in a registered judgment or decree. Where there is more than one such case in the same court it shall not be necessary for the license Inspector to issue separate process for the collection of costs in each case, but he may issue one process only, including execution, garnishment and certificate of judgment for all costs in one or more cases, and for which any one person, firm or corporation is liable."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:09 P. M.

Act No. 498

S. 528—Skidmore

AN ACT

Relating to Tuscaloosa County: Authorizing and requiring the governing body of Tuscaloosa County to provide equipment, supplies, clerks, deputies and other assistants for certain county officers and offices; providing that such county officials shall, subject to the county civil service system, select, fix the compensation of, and have the right to discharge their respective clerks, deputies and assistants; providing that the maximum amount of the combined salaries of clerks, deputies and assistants in each of such offices shall be determined by the county governing body; and providing that the salaries and compensation provided under the provisions hereof shall be in lieu of all other compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue, or like governing body, of Tuscaloosa County, Alabama, is required, authorized and empowered to provide sufficient equipment, supplies, clerks, deputies and other assistants to the probate judge, the tax assessor, the tax collector, the sheriff and the clerk of the circuit court, of Tuscaloosa County for the efficient operation of their respective offices; but said probate judge, tax assessor, tax collector, sheriff and clerk of the circuit court shall, subject to the civil service system, select, and fix the compensation of, such clerks, deputies and assistants for their respective offices; provided, however, that

the combined salaries or compensation of said clerks, deputies and assistants in each of said offices shall not exceed an amount deemed to be reasonable and necessary by said Board of Revenue, or like governing body, of Tuscaloosa County for the efficient operation of each of said offices. Said allowances for salaries or compensation shall be fixed by Resolution of said Board of Revenue, or like governing body, and may be changed at any time by similar Resolution.

Section 2. Said probate judge, tax assessor, tax collector, sheriff and clerk of the circuit court shall, subject to the county civil service system, have the right to discharge their respective clerks, deputies, and assistants. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of Tuscaloosa County, upon separate warrants drawn in the same manner as other employees of Tuscaloosa County are paid.

Section 3. Immediately upon the passage and approval of this Act, it shall be the duty of the Board of Revenue of Tuscaloosa County to ascertain, determine and fix by Resolution the amount of the combined salaries or compensation to be paid to the clerks, deputies or other assistants for each of said officers.

Section 4. The provision herein made for salaries or compensation of said deputies, clerks, or other assistants in said offices shall be in lieu of all other provisions now made by law for the payment of such salaries or compensation. Nothing contained in this Act shall be construed to repeal or modify any of the provisions of Act No. 357, S. 468, approved August 9, 1949 (Acts of Alabama, 1949, page 524).

Section 5. All laws and parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 6. This Act shall take effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:10 P. M.

Act No. 499

S. 542—High

AN ACT

Relating to counties having populations of not less than 80,000 nor more than 94,000 inhabitants; providing for the furnishing of equipment, supplies, clerks, deputies and other assistants for certain county officers in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 80,000 nor more than 94,000 inhabitants ac-

cording to the preliminary count of the 1950 Census, or any subsequent decennial census of the United States is required, authorized and empowered to provide sufficient equipment, supplies, clerks, deputies and other assistants to the probate judge, the tax assessor, the tax collector, the clerk of the circuit court, and the register of the circuit court for the efficient operation of their respective offices; but said probate judge, tax assessor, tax collector, clerk of the circuit court, and the register of the circuit court shall select, and fix the compensation of, such clerks, deputies and assistants for their respective offices; provided, however, that the combined salaries or compensation of said clerks, deputies and assistants in each of said offices shall not exceed an amount deemed to be reasonable and necessary by said governing body for the efficient operation of each of said offices. Said allowances for salaries or compensation shall be fixed by Resolution of said governing body, and may be changed at any time by similar Resolution.

Section 2. The probate judge, tax assessor, tax collector, clerk of the circuit court and register of the circuit court shall have the right to discharge their respective clerks, deputies, and assistants at will, as they shall serve only at the pleasure of the officer appointing them. The salaries or compensation of said clerks, deputies and assistants shall be paid in equal monthly installments out of the general funds of the county, upon separate warrants drawn in the same manner as other employees of the county are paid.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:11 P. M.

Act No. 500

S. 543—High

AN ACT

To amend Section 2 of Act No. 436, H. 852, approved September 25, 1947 (General Acts of Alabama, 1947, page 316), which provides for a chief clerk for the circuit solicitor in all judicial circuits composed of only two counties, one of which counties is divided into two judicial divisions, and having only two judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 436, H. 852, approved September 25, 1947 (General Acts of Alabama, 1947, page 316) is amended to read:

“That said chief clerk shall be paid out of the county treasuries of the counties composing such circuits in equal monthly in-

stallments an annual salary of Twenty-Seven Hundred dollars (\$2700.00) on warrants drawn by said circuit solicitor. The county in the circuits having the larger population shall pay eighty per cent of the amount of such salary and the county having the smaller population shall pay twenty per cent of the amount of such salary. In the event that such circuits shall be rearranged so as to include only one county, the entire salary shall be paid out of the treasury of the county composing the circuits."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:12 P. M.

Act No. 501

S. 544—High

AN ACT

Relating to county courts in counties having a population of not less than 80,000 nor more than 94,000 inhabitants; imposing extra, new, and additional duties upon the judges of such courts, and providing additional compensation for the performance thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply only in counties having a population of not less than 80,000 nor more than 94,000 inhabitants according to the preliminary count of the 1950 census, or any subsequent decennial census of the U. S.

Section 2. The following extra, new and additional duties are hereby imposed upon the judge of the county court: (a) He shall hold court for the trial of criminal cases on the first and third Mondays in each month and shall continue such court or try and determine cases in said court at anytime he may designate; (b) He shall make a report in writing to the County Welfare Department of such county each month, of the number of cases tried by him in the Juvenile court and such report shall include the names of all persons so tried and the disposition he made of such cases;

(c) He shall make a report in writing of all peace warrants, including the names of the persons designated as defendants in said warrants, once each month, to the Sheriff of said County. The judge of the county court shall receive an additional salary of fifteen hundred dollars (\$1500.00) per annum, payable monthly, from the county treasury, upon his warrant drawn upon the county treasurer, for the performance of the extra, new and additional duties imposed on him by this Act.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:13 P. M.

Act No. 502

S. 549—Wright

AN ACT

Relating to the office of circuit clerk of any county having a population of not less than 63,750 nor more than 72,500 inhabitants according to the preliminary count of the 1950 federal census or any subsequent decennial census of the United States; fixing the salary of the circuit clerk and providing for his clerical assistance, supplies, and office space.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be applicable only to counties having populations of not less than 63,750 nor more than 72,500 inhabitants according to the preliminary count of the 1950 federal census or any subsequent decennial census of the United States.

Section 2. The salary of the Circuit Clerk of any county to which this Act applies shall be four thousand five hundred dollars (\$4,500) per year, in lieu of all other compensation, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. All fees, commissions, percentages, and allowances heretofore collectible for the use of the circuit clerk shall be collected and paid into the general fund of the county.

Section 3. The county governing body shall provide sufficient clerks, deputies and other assistance to the circuit clerk, but the circuit clerk shall select the clerks, deputies and other assistants, and shall fix their compensation, but the combined compensation of such clerks, deputies and assistants selected by him shall not exceed Two Thousand Four Hundred Dollars (\$2,400.00) per year. The circuit clerk shall have the right to discharge the clerk, deputies and assistants at will. The county governing body is authorized to adopt rules and regulations for conducting and operating the office, if such are necessary as a result of changing the method and basis of compensation under this Act. The compensation of the clerk, deputies and assistants shall be paid in equal monthly installments out of the county treasury as other county employees are paid.

Section 4. The governing body of the county shall provide the circuit clerk with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment necessary for the proper and efficient conduct of the affairs of his office.

Section 5. All laws which conflict with this Act are repealed.

Section 6. This Act shall become effective upon the expiration of the term of office of the incumbent circuit clerk.

Approved August 22, 1951.

Time: 5:14 P. M.

Act No. 503

S. 550—Wright

AN ACT

Relating to counties having populations of not less than 63,750 nor more than 72,500 inhabitants according to the preliminary count of the 1950 federal census or any subsequent decennial census of the United States; fixing the compensation of the Sheriff of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the sheriff of any county having a population of not less than 63,750 nor more than 72,500 inhabitants according to the preliminary count of the 1950 federal census or any subsequent decennial census of the United States shall be six thousand dollars (\$6,000) per annum, to be paid out of the county treasury in equal monthly installments as the salaries of county employees are paid. The salary provided for herein shall be the entire compensation of the sheriff, in lieu of all other compensation. All fees, commissions, percentages, and allowances heretofore collectible for the use of the sheriff shall be collected and paid into the general fund of the county.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved August 22, 1951.

Time: 5:15 P. M.